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THE METROPOLITAN POLICE AND GOVERNMENT

1860-1920

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THE METROPOLITAN POLICE AND GOVERNMENT 1860-1920

ABSTRACT

This dissertation explores the experience of the Metropolitan police in the period of its Victorian maturation with a focus on the relations between the operational force and its political sponsors. It is demonstrated that, when more relaxed budgetary policies became feasible in the later nineteenth century, initial parsimony gave way to indulgence of police officer demands in a situation where, despite the legal appearance of full control by the Home Secretary, there were in fact no effective local or even national Parliamentary counterbalances. The sponsoring department, the Home Office, was in practice outgrown by its own creation and later Commissioners struggled also to exert control of a force which developed strong, and sometimes deviant, cultures of its own. Except for resort to the Receiver of the Metropolitan Police District in ways initially unplanned, the Home Office settled for the appearance rather than the reality of effective control. In crisis, on the other hand, ultimate political control could not be challenged when it operated to restore public confidence in the force. However, it has also to be understood that the extent to which that control was exerted in the public interest was dependent in turn on the extent to which political citizenship comprehended the whole population. A restricted electorate meant that the political sponsors could afford to have limited ambitions for the exercise of their own responsibilities. Ultimately, "municipalisation" (that is, local authority control) of the force in 2000 was less an effect of a more "democratic" state than the product of changes in the way executive government managed the police service and local government as a whole.

R.M.Morris

June 2004

THE METROPOLITAN POLICE AND GOVERNMENT 1860-1920

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GLOSSARY

CC	Chief Constable
HO	Home Office
HMG	Her/His Majesty's Government
ICS	Indian Civil Service
LCC	London County Council
MBW	Metropolitan Board of Works
MPO	Metropolitan Police Office (i.e. the headquarters office only)
Parly USofS	Parliamentary Under Secretary of Sate
PCO	Public Carriage Office
PUS	Permanent Under Secretary of State
RIC	Royal Irish Constabulary
SofS	Secretary of State

INTRODUCTION

This study examines the place of the Metropolitan police in the political system of the United Kingdom during the period 1860-1920, the capital's – and, by definition, the force's – greatest period of growth. In particular it seeks to explore areas relating to senior appointments, financial policy and governance largely ignored or glossed over by earlier writers but which are nonetheless crucial to an understanding of how the force functioned.

Amongst other things, what follows demonstrates that, although the executive (in the shape of the Home Secretary) had legally extensive controlling powers in relation to the force, it lacked in practice any commensurate and continuous capacity for exercising those powers. An appearance of political accountability was dependent on tranquillity. Whilst events involving the force were capable at times of galvanising the whole of the centre of government, political attention wandered after the crisis was past. In a situation where engaging continuous political attention was not feasible and the Commissioner acquired a public role directly challengeable only by the Home Secretary himself, Home Office officials settled initially for the appearances of control rather than the substance but, in a period of greater self-confidence from the 1880s, employed the official known as the Receiver as their proxy.

From this approach, it follows that the study is primarily an administrative and political account. It therefore does not dwell on the operational experience of the force, or seek to chronicle the period on the lines of a regimental history. The *facts* of the force's public life have been recorded and celebrated elsewhere, even if in ways not always acceptable to modern, especially academic, tastes.¹ The aim of this study is to go behind what occurred in order to place the force in the context of the state's contemporary form and capacity.

Apart from the chroniclers, much modern historiography has been concerned with the analysis of the events leading up to the creation of the force in 1829 or of particular policy areas.² In addition, specialist compendia directed principally at current criminal justice policy issues have offered scene-setting

¹ For example, Ascoli, D., *The Queen's Peace*, Hamish Hamilton, 1979, and Browne, D.G., *The Rise of Scotland Yard*, Harrap, 1956. Much condescended to nowadays are the works of Charles Reith which, though heavily teleological and, in the Butterfield sense, "Whiggish", nonetheless ploughed new furrows. Those that are not mere wartime and/or dotty propagandising still deserve attention e.g. *The Police Idea*, Oxford University Press, 1938; *A New Study of Police History*, Oliver and Boyd, Edinburgh, 1956; and even *British Police and the Democratic Ideal*, Oxford University Press, 1943. Tom Critchley, who had served as secretary to the Willink Royal Commission on the Police 1960-1962 (*Final Report*, Cmd 1728, 1962), dwelt mostly on the provincial forces in his history. See Critchley, T.A., *A History of Police in England and Wales*, Constable, 1967.

² Goodway, D., *London Chartism, 1838-1848*, Cambridge University Press, Cambridge, 1982; Mather, F.C., *Public Order in the Age of the Chartists*, Manchester University Press, Manchester, 1959; Miller, W.R., *Cops and Bobbies: Police Authority in New York and London 1830-1870*, Chicago University Press, Chicago, 1977; Petrow, S., *Policing Morals: The Metropolitan Police and the Home Office 1870-1914*, Cambridge University Press, Cambridge, 1994; Porter, B., *The Origins of the Vigilant State: The London Metropolitan Police Special Branch before the First World War*, Weidenfeld, 1987; Reynolds, E.A., *Before the Bobbies: The Night Watch and Police Reform in Metropolitan London, 1720-1830*, Stanford University Press, Stanford (California), 1998; Smith, P.T., *Policing Victorian London: Political Policing, Public Order and the London Metropolitan Police*, Greenwood, Westport (Connecticut), 1985; Kamm, R., 'The Home Office, Public Order and Civil Liberties', Ph. D. Thesis, Cambridge, 1986; Paley, R., 'The Middlesex Justices Act of 1792: Its Origins and Effects', Ph. D. Thesis, Reading, 1983.

synoptic historical accounts.³ What is novel about the approach in the present case is that it adopts an entirely new perspective viz. how the force is to be located within contemporary political and administrative (including financial) structures. Whilst there has been a study on something like such lines of the early establishment and growth of the provincial forces, there has been no such study of the Metropolitan police. In relation to these issues, it could be said that the force has been taken for granted, even though not every recent commentator would perhaps agree.⁴

It follows also from pursuing this point of view that the study does not seek to engage in other areas that have been of interest to historians or social scientists. For example, it does not seek to investigate the effect of the force on crime levels or its impact on social behaviour in the wider senses.⁵ Nor

³ For example, Maguire, M., Morgan, R., Reiner, R., (eds.), *The Oxford Handbook of Criminology*, Oxford University Press, Oxford, 3rd edn., 2002; Newburn, T., (ed.), *Handbook of Policing*, Willan, Cullompton, 2003.

⁴ "The establishment of the Metropolitan Police in 1829 has transfixed historians of the police." Rawlings, P., *Policing : a Short History*, Willan, Cullompton, 2002, p. 1. To an extent that is true also of a study which sought to integrate and demonstrate the interconnections between the Irish and English experiences: Palmer, S.H., *Police and Protest in England and Ireland 1780-1850*, Cambridge University Press, 1988. But it is certainly not the case with Emsley, C., *The English Police: A Political and Social History*, Longman, 2nd edition, 1996, which explains London exceptionalism whilst integrating London developments in the context of police service developments as a whole. It is the very fact that that study does not concentrate on the Metropolitan force that leaves room for the attempt of the present study to explore further detail.

⁵ For example, V.A.C. Gattrell's eloquent if depressed reflections on lower class experiences of policing in "Crime, authority and the policeman-state" in Thompson, F.M.L., ed., *The Cambridge Social History of Britain 1750-1950*, Vol. 3, Cambridge, 1990, pp. 243-310; and the high energy account of "revisionism" in Reiner, R., *The Politics of the Police*, Wheatsheaf, Brighton, 1985. The writer has, however, attempted separately to approach some of these issues in Morris, R.M., "Lies, damned lies and criminal statistics": Reinterpreting the criminal statistics in England and Wales", *Crime, History and Societies*, Vol.5, No 1, 2001, pp. 111-127.

does it concentrate on the experience of policemen, whether individually or as a group.⁶

On the other hand, to be intelligible, the study has to show some elasticity towards the time boundaries 1860-1920. Thus, where it is necessary to explain either pre-1860 developments or what eventuated in particular cases after 1920, it moves to do so.

1860 – Background

By 1860, Richard Mayne – appointed jointly with Charles Rowan in 1829 - had been sole Commissioner in practice since 1855 and by law since the Act of 1856⁷. The same Act authorised the appointment of two Assistant Commissioners, one of whom had been the Inspecting Superintendent of the force since 1850, and the other with service as Chief Constable of Hampshire. There was a Chief Clerk heading a civilian establishment, and a nascent police staff function in what became known as the Executive Department. (This Department had grown out of the functions originally undertaken in A Division where the first Superintendent of the Division, John May, had acted in effect as a staff officer to the Commissioners.) The chief financial officer, the Receiver, was answerable not to the Commissioner but

⁶ This is the focus, of course, of an excellent recent study – see Shpayer-Makov, H., *The Making of a Policeman: A social history of a labour force in metropolitan London, 1829-1914*, Ashgate, Aldershot, 2002.

⁷ 19 & 20 Vict. c.2, section 1.

to the Home Secretary. All were accommodated in a jumble of buildings in Scotland Yard, a cul de sac off the top of Whitehall.

Further down Whitehall was the Home Office. Although responsible still for a very wide range of functions, its human resources were modest both in number and often in ability.⁸ Throughout the period there were but two ministers, that is the Home Secretary (formally, the Secretary of State for the Home Department) and a Parliamentary Under Secretary of State. The small number of permanent officials was headed by the Permanent Under Secretary of State, at this time an official appointed directly from the Bar. Metropolitan police business was undertaken for the most part in what became the Criminal Department. That is, it received no unique specialist attention but was lumped together not only with the Home Office's responsibilities for the provincial police forces but also with the entirety of its responsibilities for the criminal justice system. Available In 1870 for *all* the Home Office's responsibilities including those for criminal justice were at most 12 officials arguably equivalent to today's Senior Civil Service.⁹

⁸ The definitive account of the Department in the period is Pellew, Jill, *The Home Office 1848-1914: From Clerks to Bureaucrats*, Heinemann, 1982. Also relevant is her article "Law and order: expertise and the Victorian Home Office" in MacLeod, R., (ed.), *Government and Expertise: Specialists, administrators and professionals, 1860-1919*, CUP, Cambridge, 1988, pp. 59-72.

⁹ Ibid, Table 2, p. 23.

Development of the Force

Strength

By 1860 the Force was nearly 5,000 strong. The outline organisation charts at Figures 1-5 show the evolution particularly of the upper structure. By 1920 the authorised strength of the Force consisted of just over 21,500 officers of all ranks supported by more than 300 civil staff working for the Commissioner and the Receiver. Both the latter maintained separate staffs throughout the period (and beyond).

The growth in the size of the Force was related to the growth in the size of London's population, though the *rate* of growth was not necessarily directly proportional to the rate of population growth. This was because, aside from any question of affordability, the exact maximum number of the police and civil staffs was controlled by the Home Office. It became customary to express the size of the Force as a ratio to the Metropolitan Police District's population, for example as 1/450. It also became increasingly explicit in the Home Office towards the end of the nineteenth century that that ratio should not be permitted to fall to much more than about 1/500. The maintenance of manning levels was not, however, an exact or entirely consistent science in normal times, nor did the actual number invariably correspond with the maximum allowed – or the “establishment” as it was known. This was

because of recruiting lags or, for example during the First World War, absolute recruiting difficulties at a time when the war's demand for able bodied men was insatiable.¹⁰ With the exception of the First World War, employment market conditions rarely affected the Force's ability to *recruit*, though up until the 1880s they could greatly influence *wastage* rates. In common with the experience of forces outside London, there were high rates of turnover up until that period.

The nature of the growth in the Force may be seen in the Chart below. What this shows is that the normal pattern throughout the period was incremental growth roughly proportional to the increase of London's own growth – in terms of the built environment¹¹ as well as population. The exceptions were the special additions authorised as a result of the Fenian bombing of Clerkenwell Prison in 1867, the public order and crime perturbations of 1887-9, and the phased introduction of the weekly rest day before the First World War.

Organisation

The outline organograms at Figures 1-5 summarise the main developments in the Force's management structure. By 1860, the original diarchy of two

¹⁰ Thus, for example, although the authorized strength of the Force in 1920 was 21,546, its actual strength on 10 February, 1920, was 19,564. (See Metropolitan Police Accounts 1919-1920, House of Commons, 28 April, 1920.) The existence of any margin gave some financial leeway to the Receiver in a situation where the rate was struck on the basis of *authorized* as opposed to *actual* strength.

¹¹ Commissioners' Annual Reports (which commenced only from 1869) invariably listed the number of new roads and dwellings brought into existence each year as evidence of increases in the patrolling and traffic management requirements.

Commissioners had ended, but only to be replaced by diarchy in respect of the two Assistant Commissioners. Stable functional specialisation between them did not emerge until the 1880s, during which a third Assistant Commissioner was added in 1884. The Home Office seems to have taken no continuing interest in how the headquarters functioned. Despite complaints voiced in the course of their own formal inquiries in the 1860s and 1870s and making other changes as a result of these inquiries, the Home Office took no final steps to deal with the situation until the opportunity was forced upon them in the early 1880s by the impending retirements of the two original Assistant Commissioners.

The civil staff were present from the very beginning and filled significant roles in both the Commissioners' and the Receivers' offices. Over time, however, and with the exception of the Receiver's office, they became eclipsed by police staff. The reasons for this – and other changes in their status - are explored in the relevant chapter below.

There appear to be no records of contemporaneous theorising about organisational issues. In that respect as in so many others, attitudes were intensely pragmatic and, in the Home Office, usually entirely reactive. The only extended treatment of such issues was in a pseudonymous pamphlet

published at the time it was known a confidential departmental committee was examining organisational questions in 1868.¹²

Study outline

The strategy adopted is to commence in Part I with an account of appointment practices in relation to the senior police officers and the civil staffs. This starting point functions also as a way of introducing the principal personalities engaged in the higher functioning of the force. It demonstrates that, although many of the police appointees came from military backgrounds, it would be mistaken to assume – as has often been the case – that this fact alone represented a policy of, or uncontrolled tendency towards, militarization. On the contrary, it is maintained that appointment practice is better understood as a demonstration of the reinforcement of elite political control in times before the emergence of credible and acceptable police professionalism.

In Part II, attention moves to how financial control was operated, explaining the largely neglected role of the Receiver and the nature of financial policy and practice. This is a subject that has been almost universally ignored but which is vital to the understanding of the functioning both of government and of the force. Important changes in public policy were prefigured in changes

¹² "Custos" : *The Police Force of the Metropolis in 1868*, Ridgway, 1868.

first applied to the Metropolitan police, and financial practice is located in the context of national policy over the period.

Part III examines the politics of control – governance – both at the operational (complaints against officers) level, and at the level of Parliamentary control. The latter includes a chapter on the personal role of the Home Secretary and the Cabinet. A separate chapter on why municipal control never supplanted Parliamentary control in the period approaches the issues from another perspective to help round out the character of political concerns and the view of policing in the capital that those concerns constructed.

By way of conclusion, Part IV consists of a retrospective consideration of the study's main findings and their significance.

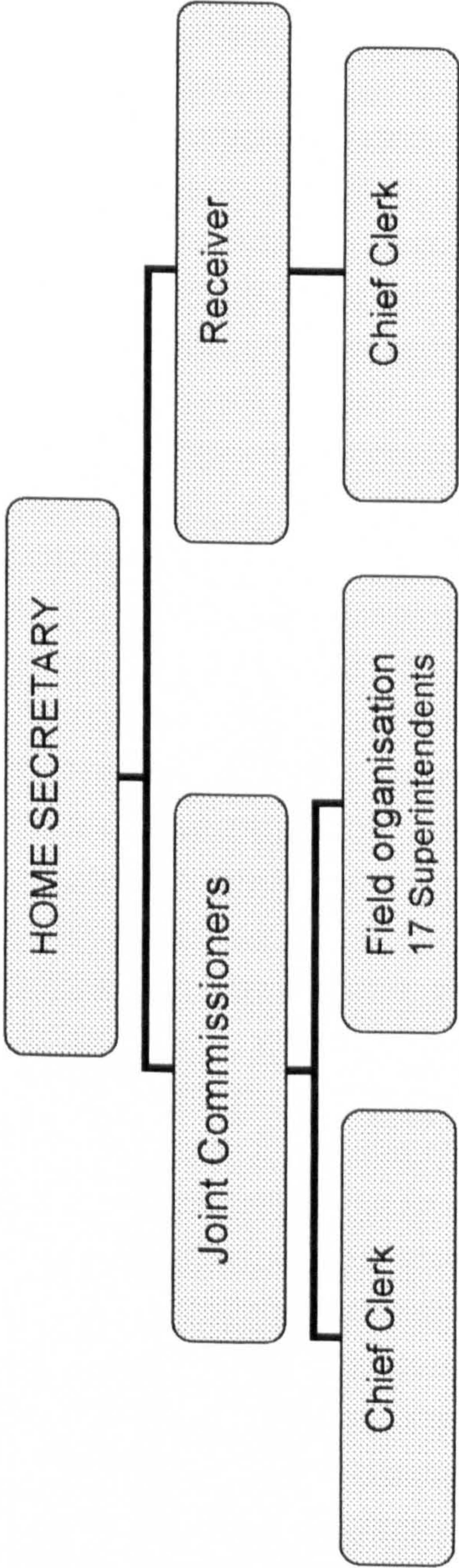


Figure I : Organisation 1829

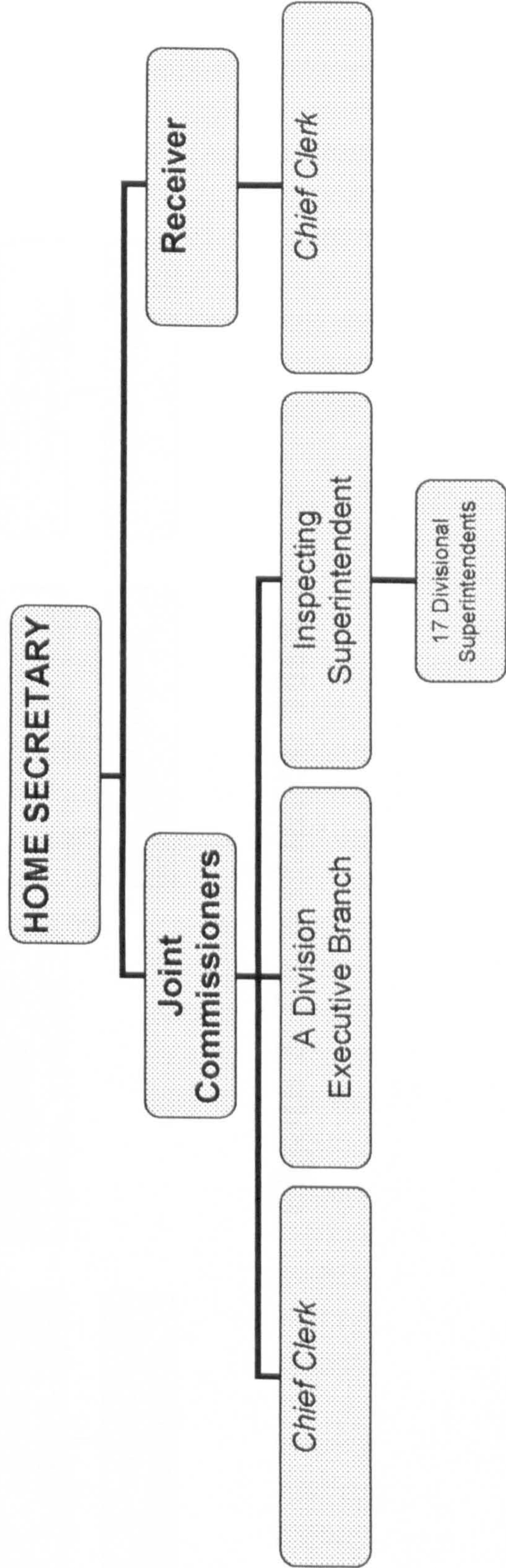


Figure 2: 1839 Organisation

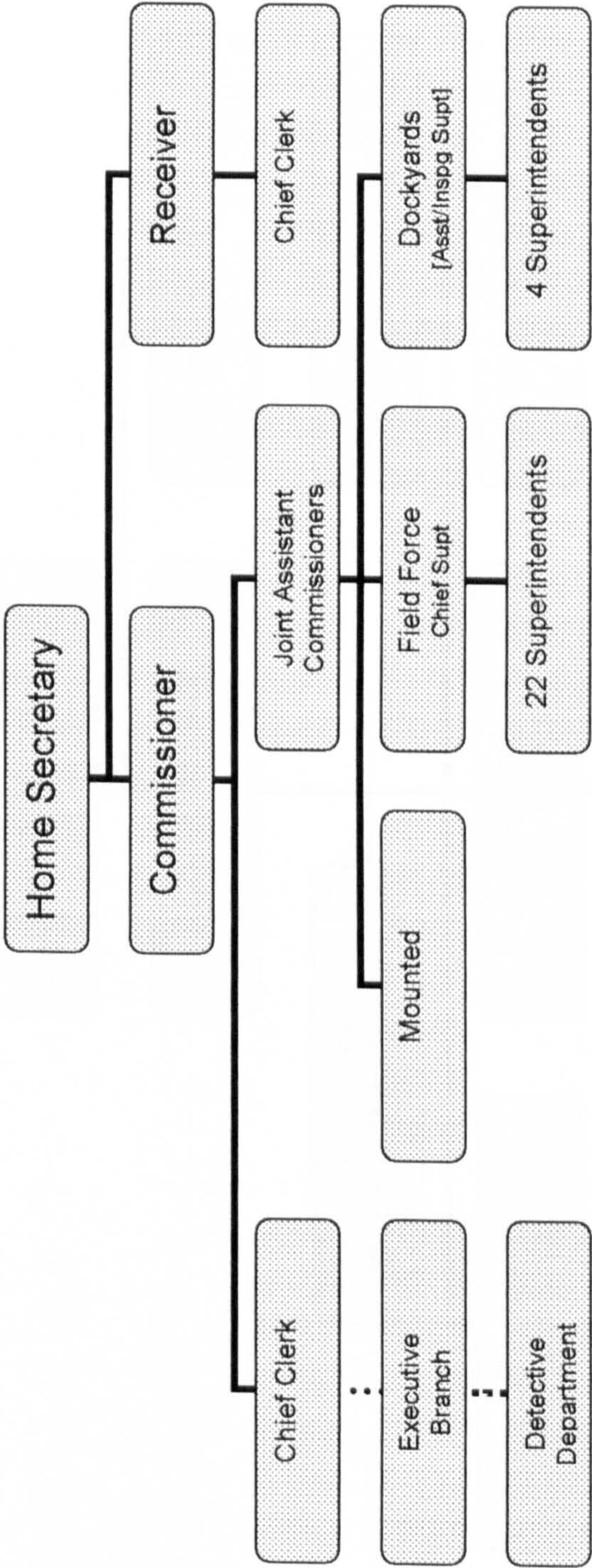
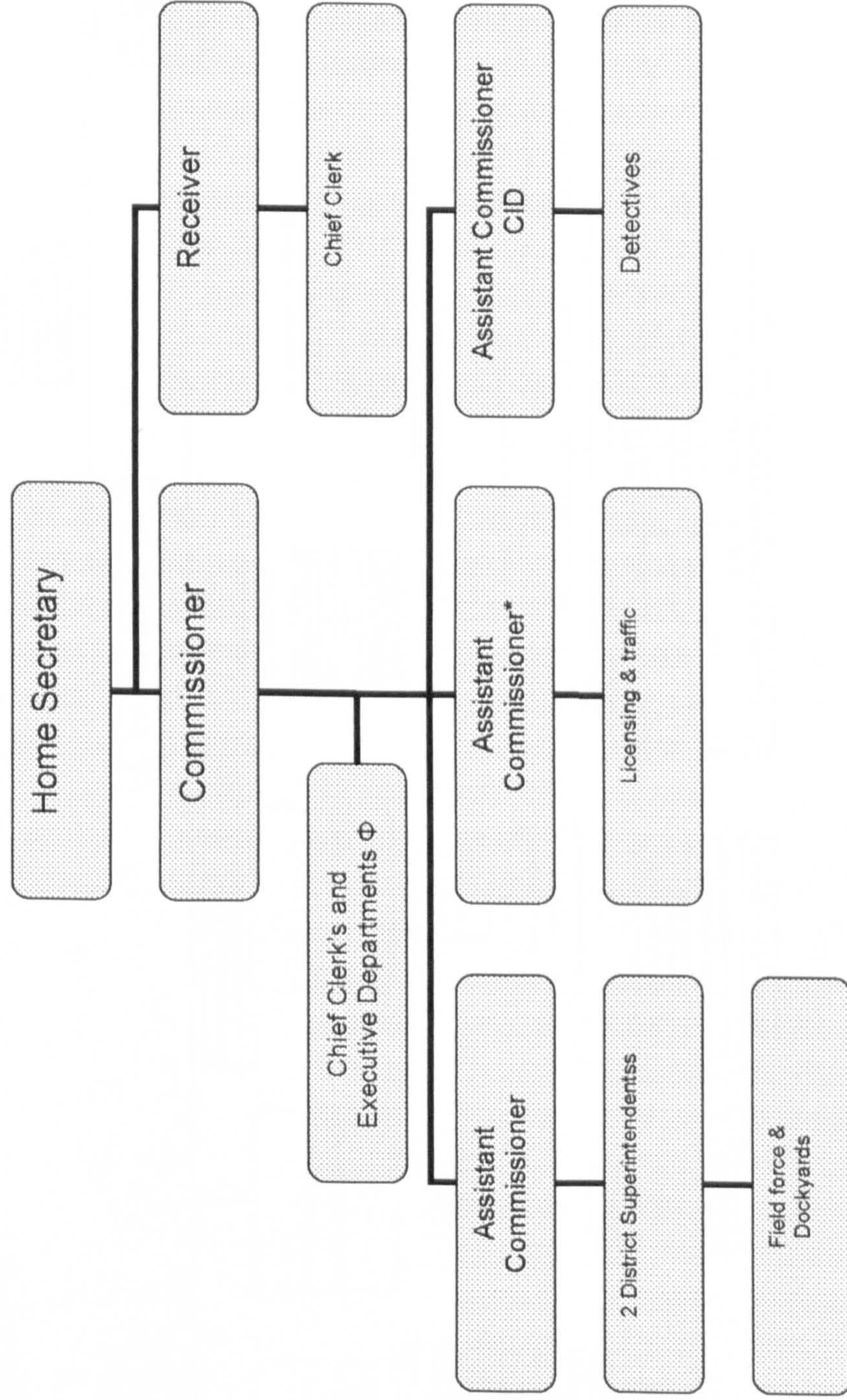


Figure 3: Organisation 1868



* A barrister

Φ Responsible for correspondence, recruitment, accounts, police personnel and discipline, lodging houses, Contagious Diseases Acts &c

Figure 4: 1884 Organisation

ORGANIZATION OF THE METROPOLITAN FORCE OF LONDON

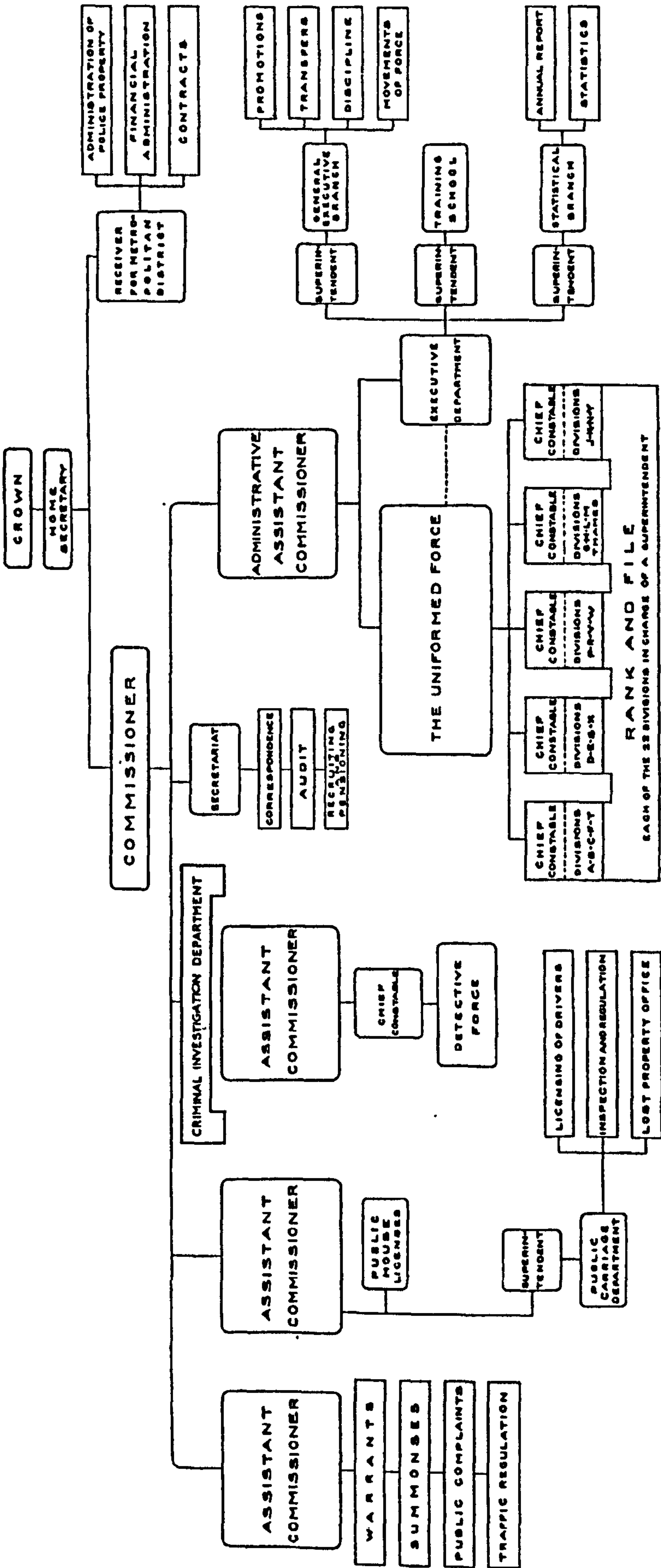
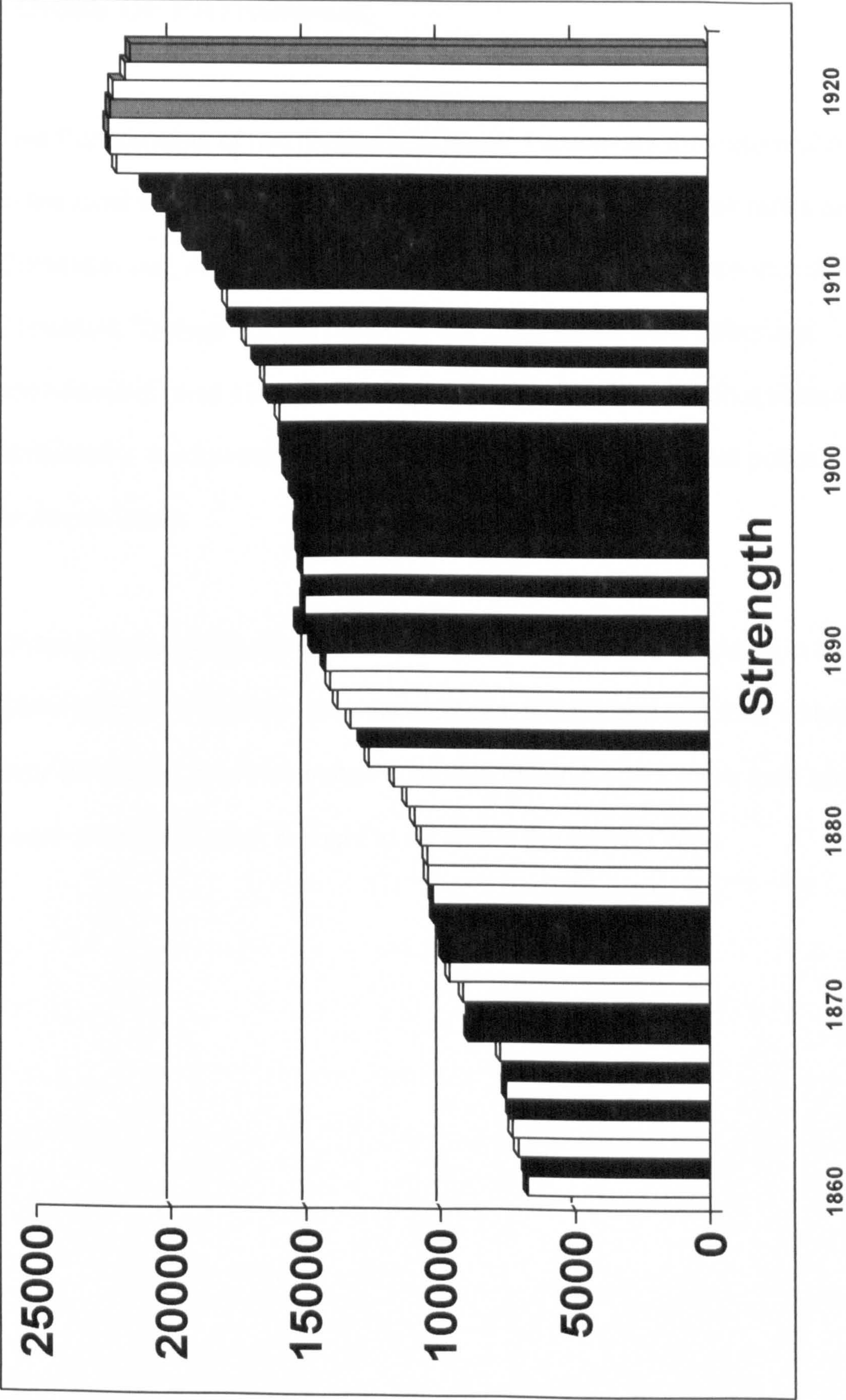


Figure 5: Organisation 1915

Source: Fosdick, R.B., *European Police Systems*, Century, New York, 1916, p.100

Metropolitan Police Strength 1860-1920



PART I

FORMS OF PATRONAGE

This Part consists of two chapters. Chapter 1 examines the nature of appointments to the most senior ranks. For the purposes of this study, those ranks are Commissioner, Assistant Commissioner and District Superintendent/Chief Constable. Throughout the period of the study these were patronage appointments, and it is contended that they were not made on a basis which consistently recognized any concept of a freestanding, distinct police professionalism.

Chapter 2 discusses the functions and status of the civilian clerks in the Commissioner's and the Receiver's offices. It discloses that their status declined over the period, and that limited competition survived for more than twenty-five years after it had been brought to an end in the Home Office.

CHAPTER 1

SENIOR OFFICER APPOINTMENTS

This chapter considers appointment practice in respect of the most senior officers. It examines what happened, why particular practices were adopted, and what the appointments reveal about contemporary political and social preoccupations during a period when the police occupation was becoming increasingly self-conscious and professionalised. It argues that, although hypotheses of “militarization” have been derived from the fact that so many of the senior officers bore military rank, closer examination of career histories demonstrates greater nuancing than simplistically supposed.

Examining police occupational backgrounds is not new. However, with the exception of the relevant parts of Griffin’s study of the Royal Irish Constabulary¹, it could be said that most early work has concentrated on the makeup and fortunes of the ranks below those of chief officers and their principal assistants. The senior officers have appeared, if at all, as a gentrified counterpoint, especially in the county forces, and relegated to the margins of vision as primarily of military origin and occupationally of no great interest.² This imbalance has more recently been redressed by an exhaustive study of chief constables in England and Wales from 1835.

¹ Griffin, B., ‘The Irish Police 1836-1914: A Social History’, Ph D, Loyola College, Chicago, 1990.

² E.g. Steedman, C., *Policing the Victorian Community*, Routledge, 1984; Shpayer-Makov H., “The Making of a Police Labour Force”, *Criminal Justice History*, 12, 1991, p. 139; Emsley, C. and Clapson, M., “Recruiting the English Policeman”, *Policing and Society*, 1994, Vol. 3, pp. 269-286.

However, the study is effectively confined to provincial forces.³ In Great Britain, the fact that outside London all appointments were made by local police authorities rather than by central government has meant, too, that provincial appointments could not be studied for evidence of government appointment policy.⁴

The range of posts

The offices with which this section is concerned are those of the Commissioner and Assistant Commissioners which were Crown appointments, and the tier introduced from 1869 below Assistant Commissioner and known during the period variously as District Superintendents and, from 1886, as Chief Constables.

Whereas it remained a central doctrine that promotion to Superintendent should be available solely to officers who had joined as constables, all the posts under consideration were (with some few significant exceptions) filled from outside the force, and throughout the period were not ranks to which men who had joined as constables could aspire.

³ Wall, D. S., *The Chief Constables of England and Wales*, Ashgate, Aldershot, 1998. Where it does refer to the Metropolitan police, it is not always accurate, e.g. misunderstanding the fate of the Inspecting Superintendent post on p.24, and drawing the wrong conclusions about the appointment of Harold Scott in 1945. A useful work of reference is Stallion, M. and Wall, D. S., *The British Police : Police Forces and Chief Officers 1829-2000*, Police History Society, 1999 – which includes Scottish forces

⁴ In the counties, it is true that appointments were subject from 1839 to regulations made by the Home Secretary and to his individual approval. However, the stipulations were minimal and actual interference rare. See Wall, D.S., *op. cit.*, Ch. 4.

The Crown appointments were made on the recommendation of the Home Secretary, and the tier below were appointed by the Commissioner as members of the force with the approbation of the Home Secretary. The position of the Commissioner and Assistant Commissioners was covered explicitly in primary legislation where the Metropolitan Police Act 1856 allowed for a single Commissioner (as opposed to the two magistrates provided for in the original 1829 Act) and for two Assistant Commissioners, simultaneously abolishing the role of Inspecting Superintendent created by the Act of 1839. (The numbers of Assistant Commissioners were increased first to three and then to four by Acts of 1884 and 1909.⁵)

The statutory officers were all ex-officio magistrates and remained so until the Administration of Justice Act 1972 abolished the then remaining ex officio magistrates, for example Lord Mayors. Although they customarily administered the constable's oath to new recruits, this magisterial status was never exercised by the Metropolitan officers in the sense of sitting on the Bench and acting judicially. Indeed, the separation of judicial and executive functions in the London magistracy had been accomplished statutorily by the Metropolitan Police Act of 1839 which absorbed the constables of the Police Offices (for example, Bow Street, Marlborough Street and Thames) into the Metropolitan force but left alone the stipendiary magistrates in the Police Offices. Magisterial status was not merely a

⁵ Respectively by section 2 of the Metropolitan Police Act 1884 (47 & 48 Vict. c. 17), and section 3 of the Police Act 1909 (9 Edw. 7 c.40).

long and accidental vestigial trace of the Commissioners' and Assistant Commissioners' conceptual origins in the stipendiary magistracy of the Public Offices created by the 1792 Act, but also reflected the fact that that Act signified - in 1792 for the first time - the directness with which the executive intervened in the provision and control of law enforcement in the Metropolis.

The lowest tier posts - District Superintendents/Chief Constables - had no special statutory position. In law, though of exalted rank, they were constables just like the Superintendents and the other ranks over whom they were placed. This tier experienced some turbulence during 1869-90.

For the rest, what follows seeks, first, to study appointments practice thematically by reference to the occupational background of the appointees, including a closer look at appointments made direct from Home Office staff; then - secondly - considers some contemporary views on class and authority evident from the inquiries of 1868 to 1886 and which lay behind appointments practice; and - thirdly - examines appointment practices in relation to appointments at District Superintendent/Chief Constable level.

Military officers

Much was made from time to time of the extent to which military officers were appointed, and it was alleged that this was part of a deliberate policy to militarize the force. Many such people were, indeed, appointed and this fact remained in one

way or another a source for comment throughout the period. A retired Superintendent, Kittle, giving evidence to the 1878 Committee said of one of them : “...it has always been well known that Captain Harris is a nonentity, and that he never had an idea except a wrong one, which would get everybody into trouble.”⁶ As if to emphasize his military provenance, it is necessary to note that Captain Harris was also the author of a police drill book.⁷ However, although the proclivities and qualities of one particular Assistant Commissioner may seem to confirm a certain stereotype in particular, they do not necessarily support the militarization thesis in general which will now be explored further.

Former military service was undoubtedly the predominant apparent occupational background of appointees. It was, of course, a common feature of state employment in the period.⁸ Of all the Commissioners 1829 -1920, only Mayne, Monro and Henry (a barrister and two Indian Civil Service (ICS) officials respectively) had not held military commissions. Moreover, Mayne did not succeed to sole headship of the force until in effect 1855 (1856 in law) after being the junior party in a duumvirate with Rowan (who retired in 1850) and the senior of a continuing (unhappy) partnership with Hay (another army officer) up to the latter’s

⁶ The reports of the Departmental Committees of 1868, 1878 (Detectives), 1879 (Uniform) may be found at HO 347/1, and are hereafter referred to as “1868 Report” etc. in the manner explained in the Bibliography. Records of evidence also appear at HO 347/1; and will be referred to, for example, as “1868 Report, Evidence, p. X” &c. In this instance the reference is to the 1879 Report, Evidence, Q 3015.

⁷ *A Manual of Drill for County and District Constables*, 1862.

⁸ Gash, N., “After Waterloo : British Society and the Legacy of the Napoleonic War”, *Transactions of the Royal Historical Society*, 28, 1978, pp. 145-157.

death in 1855.⁹ Henderson and his successor, Warren, were both Engineer officers. Monro's brief span was succeeded by the thirteen years of Bradford, a cavalryman in the Indian as opposed to the British Army, and Henry's fifteen years by the serving Major General, Macready, and he by Horwood, a Brigadier.

In seeking a replacement for Henderson in 1886, the Home Secretary, Childers, was explicit that he sought an officer of high public reputation.¹⁰ Both Redvers Buller and Beresford (a naval hero) turned him down and he selected a serving Major General, Warren, instead.

The position in relation to the Assistant Commissioners was very similar. The first two, Harris and Labalmondiere, were both soldiers and their successors variously soldiers (Pearson), members of the ICS (Monro, Howard, Henry), a barrister (Bruce)¹¹, former prison administrators (Anderson, Thomson) or, in one case, a main grade Home Office civil servant (Elliot). Throughout the period, the sole person appointed without such a background was Macnaghten, though he had served beforehand as a Chief Constable in the force.

At first sight, these seem wildly disparate backgrounds. Home Secretaries seem to have appointed almost randomly. An examination of the first tranche of District

⁹ Even Mayne did not escape being tarred with a military brush when abused as "an incompetent martinet" in the Times: letter by "A barrister", 12 October, 1868.

¹⁰ Lt Col Spencer Childers, *Life and Correspondence of the Rt Hon Hugh C.E. Childers*, Murray, 1901. Letter of 18 March, 1886 to his son, Francis.

¹¹ "...according to common report he was never overwhelmed with briefs...Like his colleague, Col Pearson, he is neither an administrator nor a policeman..." *Pall Mall Gazette*, 12 February, 1886.

Superintendent appointments shows a similar collection of backgrounds with the sole exception of Robert Walker, formerly a constable who had reached the rank of Chief Superintendent, and who was among the first four appointed in 1869. The other three were, respectively, a soldier (Lieutenant Colonel Pearson), a prison governor (Captain Baynes, albeit carrying military rank) and an ICS official (Howard).

Beneath appearances

David Wall's study found a similar military theme:

The most common denominator in the occupational profiles of chief constables was their military experience.... Not only was it an important indicator of their skill to command, but it was also an important indicator of their social background.¹²

There is, therefore, a clear similarity between Metropolitan and other senior police appointments in that respect. With that established, it might be thought sufficient to pass on and regard the Metropolitan appointees simply as military carpet-baggers like the insouciant Henry Smith.¹³

However, it would be a mistake to take this correspondence at face value. In addition, it is almost certainly the case that allegations of "militarism", that is of the style and bearing of the force, have confused the discussion. The mere fact that

¹² Wall, D.S., op.cit., p.272.

¹³ Smith, H., *From Constable to Commissioner*, Chatto, 1910. Wall, D.S., op. cit., summarises Smith's ascent at pp. 113-117.

senior roles were held by men bearing military rank did not by that fact alone mean that the Metropolitan police became automatically some kind of military force.¹⁴ On the contrary, looking below the surface of apparent occupational background, the situation is transformed. Examining actual careers discloses a much greater degree of consistency of approach and of acquired qualification than a mere preponderance of a titular military background by itself suggests.

Closer investigation in that vein suggests that a more informative typology would be as follows:

Civil servants - Henderson, Bradford, Anderson, Thomson and (most obviously of all) Elliot, all fall into this category. Though originally an Engineer officer, by 1868 Henderson had been a senior colonial and prisons administrator since 1850 and, as Chairman of the Directors of Convict Prisons from 1863, actually a Home Office civil servant. Such was his public service reputation that it was said that he could not walk down the street without being offered a job.¹⁵ Similarly, Bradford had by 1890 long been employed in the Indian political service.¹⁶ On learning of the intention to appoint him Commissioner, Queen Victoria regretted the move on the

¹⁴ Peel perhaps said what should have been the last word on this subject as long ago as 1830: "If it were desirable to improve the system, the men must be disciplined; but as to calling them a military force beyond that, it was absurd." Hansard, Commons, 15 June, 1830, col. 357.

¹⁵ *Vanity Fair*, 6 March, 1875

¹⁶ See Lawrence, Walter R., *The India We Served*, Cassell, 1928, pp. 60-64 and 71 for descriptions by a younger, admiring contemporary in the ICS of Bradford in action in India in the 1880s.

grounds that he would be such a loss at the India Office.¹⁷ In defending his appointment in the House of Commons, the Home Secretary maintained: “He is a man whose civil services and whose civilian achievements far exceed and outweigh the military portion of his career.”¹⁸ A few years later, Gladstone’s private secretary, Algy West, recommended running him as a potential Viceroy, which Gladstone thought, according to West, was “a most brilliant suggestion”.¹⁹ Both Anderson and Thomson were civil servants in the Prison Commission, though Anderson (originally a practising barrister, whose father was the Crown Solicitor in Dublin and whose brother, Samuel Lee Anderson, was also a lawyer and was knighted for Crown services in Ireland) had long been involved in counter-Fenian intelligence and had originally entered the Home Office for that purpose in 1868. Elliot was an Open Competition entrant of 1898 into the civil service.

Police administrators – Harris, Howard, Monro, Henry, Wodehouse and Horwood (with Bradford in one of his earlier roles) all qualify in this category. Harris had been a soldier for only a limited period of 8 years viz. in the 68th Regt 1830-8. He was selected because of his experience as chief constable of Hampshire 1843 -1856. Although Howard, Monro and Henry had been

¹⁷ Buckle, G.E. (ed.), *Letters of Queen Victoria, 1886-1901*, Vol I, Murray, 1926 - Journal extract for 20 June, 1890.

¹⁸ Hansard, Commons, 20 June, 1890, col. 1531. An unspoken, additional credential may have been the fact that Bradford was a cousin of an active, senior Conservative MP – Matthew White Ridley – who had been Parliamentary Under Secretary at the Home Office 1878-1880, and who became Home Secretary 1895-1900.

¹⁹ Hutchinson, H.H., (ed.), *Private Diaries of Sir Algernon West*, Murray, 1922, p. 188, entry for 8 August, 1893

members of the ICS, their principal activities had been in Indian police administration, Henry distinguishing himself through devising a workable system for classifying fingerprints. At the time of his appointment as an Assistant Commissioner in 1901, he was the Inspector General of Police in Bengal and acting head of the civil police in Johannesburg. Wodehouse, although for 20 years an officer in the Royal Artillery, was unusual in that he was appointed Assistant Commissioner in 1902 having previously held the same rank in the City police. Horwood, although a serving officer when originally recruited to the Metropolitan force by Macready, had not only military police experience but had been chief constable of the London and North Eastern Railway Company police 1911-14.²⁰

Even Macnaghten, recommended by Monro for an Assistant Chief Constable post in the CID essentially on the basis of acquaintance in India, had arguably shown some previous policing acumen.²¹ Initially baulked by Warren, Monro returned to the recommendation when himself Commissioner. Initially, he was unable to claim relevant expertise and relied effectively on Macnaghten's social status: "He is a gentleman of the highest

²⁰ A brief account of Horwood's work there may be found in Whitbread, J. R., *The Railway Policeman*, Harrap, 1961, pp. 58-8.

²¹ Macnaghten, an Etonian, describes the incident (an 1881 riot in Bengal in which he was injured and when Monro was the Bengal Inspector General of Police) in his autobiography - Macnaghten, M. L., *Days of My Years*, Arnold, 1914, pp. 50-53. Warren, Commissioner when Monro first proposed Macnaghten's candidature as an Assistant Chief Constable in the CID, objected not so much on the grounds of Macnaghten's want of policing experience as on the basis that he had lost face because beaten by black men – see MEPO 1/55, letter of 11 April, 1888. Macnaghten's social connexions no doubt assisted his candidature and subsequent tenure – see, for example, his letter ("My dear Gladstone") of 25 June, 1907, to the then Home Secretary, an old school friend, thanking him for recommending his knighthood – BL Add Mss 46066 f. 221.

character... he is a man of ability and education, and is in my opinion specially qualified for the post.”²² Eight months later, Monro was able to say something about Macnaghten’s performance when recommending him for promotion to Chief Constable following the death of Williamson: “..he has shown an aptitude for dealing with Criminal administration, and a power of managing and dealing with men, for which I was not prepared.”²³

Curiously, there is no evidence that Irish Constabulary officers were ever considered. The only force in the UK to possess an entry at “officer” level, no member of that force ever entered the Metropolitan ranks under consideration, although a number became distinguished in non-Metropolitan forces and the son of one of them (Nott-Bower) became Commissioner (in 1953) having served originally in the Indian police.

Military staff officers - Being a soldier was one thing but becoming a staff officer was something else.²⁴ The former was a clue to social status, but the latter a mark of the acquisition of a degree of political sophistication as well as superior drafting and presentational skills. Rowan, 47 years old on appointment, was a very experienced Peninsula officer who had also undertaken magisterial duties and mastered a mature, persuasive and

²² MEPO 2/37, letter of 30 April, 1889.

²³ MEPO 2/37, letter of 16 December, 1889. However bizarre the process of appointment, Monro’s claim seems justified if so experienced a detective as Wensley is to be believed – see Wensley, F.P., *Detective Days*, Cassell, 1931, pp. 32-34.

²⁴ Labalmondiere pointed out in 1869 that not every officer was fitted for an adjutancy: 1868 Report, Evidence, p 153.

tactful manner. Hay, selected originally as the first Inspecting Superintendent in 1839, had had seven years' staff experience in America as well as substantial operational experience in the Peninsula. His successor, Labalmondiere, similarly had had staff experience during the Canadian rebellion 1837-8 and administrative experience in poor law administration in Ireland during the famine. Educated at Eton, he had passed out of Sandhurst with exceptional honours. Bradford, already mentioned as a civil servant, had begun acting in a political capacity in India as early as 1860 when only 24, subsequently assumed responsibility for relations with the Rajput chiefs in 1878, and had been knighted for Indian service when 49 in 1885. Macready had in 1884 become Staff Lieutenant of the Military Police in Egypt responsible for the policing of Cairo and Alexandria. He had subsequently had the experience of commanding the troops sent to South Wales to support the police during the industrial troubles of 1910. It was these experiences, and his performance in the overwhelmingly administrative role of Adjutant General, that made him so eligible a candidate for the post of Commissioner following the 1918 police strike. Horwood, originally a cavalry officer, had served on the War Office Staff 1902-10, including as one of Macready's staff officers in South Wales. As mentioned above, during 1911-14 he had been Chief Constable of the London and North Eastern Railway, and Provost Marshall (that is, head of the Military Police) for the British Expeditionary Force 1915-18. His long acquaintance with Horwood and the latter's experience made it

understandable both why Macready should have sought him out for the Metropolitan police and why the Home Secretary accepted him as Macready's successor.²⁵ (Horwood's rise through the ranks was swift viz, three days as a Chief Constable, and less than eighteen months as an Assistant Commissioner before succeeding Macready.)

Appointments from within the Home Office

This dimension requires closer examination. Discounting Henderson, there were three appointments made from within the Home Office and a fourth contemplated. The case of Anderson has already been discussed above. The others involved were Thomson, Elliot and Ruggles Brise.

Basil Thomson actively lobbied for an appointment. He wrote in 1912 to the Commissioner to express an interest in any forthcoming Assistant Commissioner vacancy, and in fact succeeded Macnaghten in 1913 as Assistant Commissioner (Crime).²⁶ Son of an Archbishop of York, Thomson had, after a period in the Colonial Service, entered the Prison Service and, after governing four prisons including Dartmoor and Wormwood Scrubs, had become - like Anderson before

²⁵ In much the same way, it also no doubt helped Moylan's appointment as Receiver in 1919 that he was already acquainted with both Macready and Horwood since he had been the Home Office official sent down to South Wales to report from the spot during the 1910 disturbances to which both the soldiers had been deployed – HO 347/23, printed memorandum "Colliery Strike Disturbances in South Wales: Correspondence November 1910".

²⁶ MEPO 2/166, Thomson to Henry, 15 July, 1912.

him - Secretary to the Prison Commission in 1908. He had become a barrister in 1896 and could therefore be said to be legally qualified though with no real experience as a practitioner. Nonetheless, his background made him credible enough to Henry and the Home Secretary even though the appointment was much criticised in the police and press.²⁷

F.L.D. Elliot (1874-1939) was appointed an Assistant Commissioner on 1 April 1914 on the retirement of Bruce, a barrister appointed in 1884 principally to oversee the force's licensing and road traffic functions. The son of a Lieutenant Governor of Bengal, Elliot was educated at Harrow and Cambridge, joining the Home Office from the Open Competition in 1898. By 1914 he had been an Assistant Secretary for a year only, and the appointment as Assistant Commissioner represented amongst other things a 50% increase in salary. He

²⁷ "Mr Thomson has no previous police experience and no training in detective work, and yet he is promoted over the heads of men who have spent all their lives in the practice of one or both...To appoint such a man is a slight to the 20,000 men who form our magnificent Metropolitan Police Force, and more especially to the highly trained detective staff, and the thirty superintendents, who know every detail of police work, as they have had a life's experience of it." J.F. Little, *Times*, 13 July, 1913. Kempster, the police journalist, wrote direct to the Home Secretary in similar terms: "...previous experience in the difficult work of criminal detection ought to be an essential qualification...; the imposition of an outsider at the very head of a department necessitating so much technical skill and experience is a disparagement to the entire Criminal Detection Profession..." Letter of 3 July, 1913, as from the Police and Citizens Friendly Association on HO 144/21176/163976. The claims for a police *professional* status are notable, and typical of the arguments generally advanced by the *Police Review*.

retired in 1931. There appears to be no surviving record of how or why exactly he secured nomination.²⁸

Evelyn Ruggles Brise (1857-1935) was the nominee contemplated by a Home Secretary but not in the event appointed. The younger son of an Essex Baronet and MP, Ruggles Brise was educated at Eton and Balliol College, Oxford, entering the Home Office as the second of all Open Competition entrants in 1881. He was rescued from departmental drudgery when he became Private Secretary to the Home Secretary, Harcourt, an old acquaintance of his father if from a different party. He was successful in winning the confidence of successive Home Secretaries but unsuccessful in finding further preferment, unlike his predecessor as Private Secretary, R.S. Mitford, who had been made a Prison Commissioner in 1882. A chance to go to India with a new Viceroy in 1888 – Lansdowne – came, after some anxious delay, to nothing. No Prison Service vacancies materialized and it is clear that Henry Matthews, the Home Secretary whom Ruggles Brise had

²⁸ What evidence there is suggests that he went out of his way to make himself agreeable to those who mattered. See, for example, his oleaginous letters of 14 August and 21 October, 1907, respectively to Beatrice Samuel and her husband, Herbert, when the latter was Parliamentary Under Secretary at the Home Office and Elliot his private secretary. (Wasserstein, B., *Herbert Samuel: A Political Life*, Clarendon, 1992, pp. 87 and 102.) Even the limited and grudging Horwood admitted Elliot's amiability: "Mr Elliot was I understand selected for his appointment in 1913 entirely by patronage. He also has no knowledge of the handling of men, and little but superficial knowledge of the duties of his appointment. He is quite nice to deal with..." Horwood to Anderson (Home Office) 15. June, 1925, on MEPO 10/5. But for Elliot see also Chapter 5 below and his determination to root out corruption in the Public Carriage Office after Horwood's departure when the latter had forbade him to act earlier.

served since 1886, was actively concerned as time wore on to promote his Private Secretary's interests if he could.²⁹

What Matthews came to have in mind was appointing Ruggles Brise to the vacancy that arose on the death of R.L.O. Pearson, one of the original District Commissioners and in 1881 the first of them to be made an Assistant Commissioner. Monro, the Commissioner, had his own candidate – A. C. Howard, the former ICS member who had been a District Superintendent/Chief Constable since 1869. Matthews was not, to put it mildly³⁰, on good terms with Monro and knowledge of Matthews' intention fanned an already goodly blaze.

In the Parliamentary exchanges that followed Monro's resignation in June 1890, Matthews defended himself, especially during the six hour debate on an Opposition Supply motion that took place on 20 June, 1890. Monro's resignation letter of 10 June had mentioned three matters: dissatisfaction with Matthews' plans for police superannuation, unspecified differences on police administration, and that Pearson's duties were to be entrusted to "a gentleman who, however estimable personally, has no police, military or legal training."³¹ Matthews explained that up to the point of Monro's resignation he had made no decision about who should be appointed Assistant Commissioner. He had discussed candidates with Monro. Amongst those was Ruggles Brise, of whom Matthews maintained "...I found that

²⁹ "I should be very glad if, before I leave office, I could give you a permanent berth." Matthews to Ruggles Brise, 28 May, 1890, Box 6, Ruggles Brise Papers, Essex County Record Office.

³⁰ Ibid, for the whole text of the four page letter.

³¹ Hansard, Commons, 13 June, 1890, col. 846.

his ability, character, and capacity for business were such that I considered him a perfectly fit candidate...” Whilst it was true that Ruggles Brise did not have actual experience of administration of the force, he did have “knowledge of all the principles of policy which have guided successive Secretaries of State in dealing with the Police Force; and that in my judgement eminently fitted him for the office of Assistant Commissioner.”³² In the event, however, he had appointed Howard instead

I felt the moment Mr Monro's resignation was in my hands on June 10 that the want of experience in Mr Ruggles-Brise, which, under Mr Monro's own guidance, would have been of comparatively small importance, now assumed, on the contrary, the gravest importance. Whilst the scale might have been very evenly balanced between the two candidates up to that time, yet, after Mr Monro's resignation, the claims of the candidate who had had daily experience of the police decidedly preponderated.³³

Class and authority

My experience through life teaches me that all men like to be commanded by gentlemen. A man who has risen from the ranks in the Army and obtained his Company is never thought of so much by the men as one who on first joining was appointed an Ensign, nor do they value the judgement or decision of a man risen from the ranks so much as that of another officer.

(Harris, 1868 Report, Evidence, p. 123.)

³² Hansard, Commons, 20 June, 1890, col.1523.

³³ Ibid, cols. 1523-4.

Sir Charles Rowan (himself a distinguished officer) used to say that an officer entering the Police had as much to unlearn as he had to learn, and I believe he was quite right.

(Labalmondiere, 1868 Report, Evidence, p. 151.)

We ourselves are strong advocates of all situations in the police being filled by officers skilled in their profession, and eventually this may be wholly the case, but the police force is even now in its infancy...

(*Police Service Advertiser*, 20 February 1869.)

These contrasting views separately and distinctively encapsulate an unreflecting view of how authority was to be sustained in a Victorian bureaucracy on the one hand and, on the other, an emerging consciousness of police professionalism. Typically, the two Assistant Commissioners who were at variance about most significant policy issues differed also on how the exercise of authority was to be understood. For Harris it was predominantly a question of social status, but for Labalmondiere authority derived from knowledge and developed skill intelligently applied. The *Police Service Advertiser* rested on staking out territory it judged unattainable at the time.

These contrasting positions are well illustrated in the debates that occurred in the evidence to the 1868, 1878 and 1879 Departmental Committees. These were closed, private inquiries - like all inquiries except for the 1886 Committees and

Royal Commissions up to Desborough - and the oral evidence they received was often of great frankness laced (as private inquiries tend to be) with spite. All were chaired by the then junior minister in the Home Office and took place as a direct result of major public failures, respectively the Clerkenwell outrage in 1867 and the trial of the detectives in 1877.

The chairman of the 1868 Committee was James Fergusson, who had himself served in the Foot Guards during the Crimean War and been wounded at Inkerman. He appears to have decided at the outset that there was an insufficient number of superior, directing officers in the force.³⁴ He pressed Mayne³⁵ and other witnesses repeatedly on the lines that a senior rank structure originally designed for a regiment (i.e. the force's original size) was no longer appropriate for the much larger unit (nearly 8,000) that the Metropolitan police had become. Mayne loyally agreed. Now in his early 70s and, following the Clerkenwell fiasco, conscious of the weakness of his position, he had no practical alternative, especially since he had himself asked for the old Inspecting Superintendent level to be revived but in the shape of four as opposed to the former single post. A similar but more radical recommendation was made by the pseudonymous but well-informed pamphleteer "Custos" who urged, while the Committee was still sitting, that there should be

³⁴ He was but echoing the view of the Secretary of State: "With a force of 7 to 8 thousand men it seems absurd to me to have but three educated officers. At present the step from them is to men of the same position as non-commissioned officers in the army, who cannot have the requisite influence wh (sic) a gentleman wd (sic) secure. I have reason to know that this is felt by the better class of police Superintendents & Inspectors themselves." Gathorne-Hardy, E., (ed.), *Gathorne Hardy, First Earl of Cranbrook: A Memoir with Extracts from his Diary and Correspondence*, Longmans, 1910, p. 221.

³⁵ See 1868 Report, Evidence, p 37.

established between the Assistant Commissioners and the Superintendents “a class of superior officers - men who would be qualified ...to conduct the duties of a Metropolitan police division, and whose social standing, attainments, and education would be such as to entitle them to look forward to the highest positions in the police department.”³⁶ So much did this become the received wisdom that, before the Committee actually reported, the Queen enquired when the appointments were to be made.³⁷

Of the witnesses, Labalmondiere alone expressed reservations, defending the importance of the Superintendents and drawing a distinction between the administration of the force (i.e. the higher directing duties) on the one hand and its superintendence (i.e. operational control) on the other. He added that any gentlemen who were appointed, though they could acquire policing knowledge, would “have to go through their apprenticeship in the position to which you appoint them, during the very time they ought to be able to teach other men”.³⁸ He was not listened to, and it may have been his scrupulous failure to row in with the ministerial consensus that, although he became acting Commissioner on Mayne’s death shortly afterwards, cost him the permanent appointment.³⁹

³⁶ “Custos” , *The Police Force of the Metropolis in 1868*, Ridgway, 1868, p. 29.

³⁷ Buckle, G.E. (ed.), *Letters of Queen Victoria 1862-1874*, Vol. I, Murray, 1926-8 - General Grey to Bruce 28 December, 1868.

³⁸ 1868 Report, Evidence, pp. 153-4.

³⁹ “How it happened that Col Labalmondiere did not succeed Sir Richard in the Commissionership I never heard. I only know that the whole of the force were disappointed by his non-appointment.” Cavanagh T.A., *Scotland Yard Past and Present*, 1892, p. 80.

It has, of course, to be asked - and it was asked - why such persons could not be found from within the existing ranks. There were several answers given. Some doubts were cast on the educational attainments of existing Superintendents and the strength of the candidate fields for promotion to the rank. Mayne noted also the need to refuse promotion to men otherwise well qualified because of inadequate educational attainments.⁴⁰ The discussion oscillated between the pole positions of Harris and Labalmondiere. That is, some thought social status was as good as an infallible indicator of education and command suitability (Fergusson, Mayne , Harris and Walker), whereas others - Labalmondiere and all the other Superintendents (save for Walker) who gave evidence and whose self-interest in the Superintendents' case was evident - maintained that suitability was a matter of experience and acquired skill.

What everyone agreed was that gentlemen were not then to be found in the ranks. As the C Division Superintendant, Hannant, put it : “.. in my whole experience [he had joined the force himself in 1835] I never knew a man of superior education join unless there was screw loose somewhere; that is, he joined from force of

⁴⁰ 1868 Report, Evidence p 23. Also Kittle, p. 184 : “Every man feels that he ought to be a Superintendent, but it is a question whether proper men, in my opinion, could be found from Inspectors to fill the posts.” See also evidence of the retired Inspector, Byron, p. 418.

circumstances and not from choice.”⁴¹

The District Superintendents/Chief Constables 1869-1920

(a) 1869-1886

As already noted above, this tier introduced in 1869 experienced mixed fortunes during 1869-86. Recommended by the Departmental Committee of 1868 and authorised by a Home Office letter of 25 February, 1869, the first appointees were evidently selected for the different backgrounds that they brought, and possibly as a deliberate experiment in the sense that, by definition, they could not be graduates of the Metropolitan police itself. Pearson was a Grenadier Lieutenant Colonel of 21 years' service (including in the Crimea) aged 38. Howard had seen military service during the Mutiny and been a Superintendent of the Bengal Constabulary. Baynes, a former army Captain of 32 years' experience, had been governor of Winchester Prison and not apparently previously known to Henderson whose responsibilities for the convict prison system had not extended to local prisons. Indeed, he later claimed that Baynes had been recommended to him by Lords Carnarvon and Northbrook (“two personal friends of mine”).⁴² Walker, the Chief Superintendent of the force since 1866, was the sole insider appointment and clearly intended to be a gesture, or to signal sensitivity, towards the aspirations of the Superintendents. A Scot who had attended Edinburgh High School, and with some legal training, he had joined the force in 1838. He had evidently prospered under the favour of Mayne and been used by him to some extent for inspectorial

⁴¹ 1868 Report, Evidence, p. 269. Mayne concurred : “Of course, a gentleman must be damaged in some way who enters the force as a constable.” Ibid, p. 69.

functions after the death in 1855 of John May, the first Superintendent of A Division. Before the 1868 Committee he had given rather unctuous and deferential evidence, dismissive also of the intellectual horizons of the other Superintendents - "practical men with great police knowledge but their ideas do not range very far beyond police matters"⁴³

By the time of the next Departmental Committee in 1879, there was a chorus of dissatisfaction: the Commissioner regretted their appointment; the Assistant Commissioners concurred in that view; the District Superintendents themselves complained about the organisation of their duties, their lack of proper authority and their status; and the ranks below them universally excoriated their attainments and usefulness - and were especially barbed about Walker. Henderson put it that, although the best possible appointments had been sought, he had immediately found that they had been "totally contrary to the views, ideas, and wishes, I may say, of the whole body of police.... The fact is that it has taken all these years to break these gentlemen into the ideas, habits and ways of the Metropolitan police and that is one of the great difficulties of the appointment".⁴⁴ Of the two who had had previous police service, Howard's management of the native population and catching thugs (i.e. in India) was a very different thing from dealing with the population of London; and, as to Walker, he would never select from the inside again - "With great respect to Mr Walker, he does not carry the authority with him

⁴² 1879 Report, Evidence Q 5206.

⁴³ 1868 Report, Evidence p. 202.

⁴⁴ 1879 Report, Evidence Q 5205-6.

which a man of superior social status would do”.⁴⁵ Gernon, Superintendent A Division and 21 years in the rank, claimed that Walker had never been a practical man even though he had risen from the ranks: “He was for years attached to office work and you might say he was more a man of theory than of practice”.⁴⁶

Although they expressed the point in rather different language, the District Superintendents and their critics essentially agreed that their role was ill-defined and marginal so far as police duties were concerned. Gernon thought they were redundant. Labalmondiere judged that they did not have enough to do and got through their work by 1.30 p.m. each day. No more than two were required. Kittle, who had been in charge of the Executive Branch in 1868 but who was retired when he gave evidence in 1879, claimed they did not superintend but were merely ornamental; and Dunlap, Superintendent C Division, said flatly of them “I never experienced any advantage”. An Inspector, Young, challenged the whole theory that the men preferred to be under gentlemen since the police service was emphatically not like the army.⁴⁷

Although these statements were self-interested since the Superintendents (and those who aspired to that rank) could be expected to reject the tier that had been set above them, the District Superintendents themselves made no bones about their position. Pearson claimed they had no responsibility, and Baynes, who had on

⁴⁵ Ibid, Q 5211

⁴⁶ Ibid, Q 3173.

⁴⁷ Ibid, QQ 2985, 373, and 2583.

appointment expected his position to be that of a chief constable in a county force, alleged that the important part of the force's work was done over their heads by the Assistant Commissioners in direct communication with the Divisional Superintendents - "I am nobody". The most eloquent testimony was Pearson's: "There are four of us getting a very fair salary, £800 a year, and if you ask me, honestly, I think we are utterly useless in the position in which we are employed".⁴⁸

That was not, however, quite the end of the story. Although Pearson also alluded to the importance of facilitating ascription in terms very similar to Harris, Henderson did admit grudgingly that the District Superintendents had their uses: "...I must say their appointment has given a better tone to the force. I am sure it pleases a great many people to be waited upon by a gentleman rather than by an officer in uniform".⁴⁹ In other words, their utility was to be judged from the point of view of external rather than internal relations.

The recommendations addressed the status and role of the District Superintendents but failed entirely to respond to the points made by the Commissioner and others about their lack of technical expertise and professional authority. In future they should be called "district commissioners" and, though residing in their districts, should have offices at Scotland Yard. Further, they should be "gentlemen of good social standing, and should, as a general rule, be officers who have seen service in the army or navy." Although the Committee rejected the

⁴⁸ Ibid, QQ 1216 and 936.

⁴⁹ Ibid, Q 5227.

1868 recommendations which had been in favour of operational decentralisation based on four districts, it did speak of giving the four district posts “increased powers and responsibilities.” However, it failed to itemise the degree of variation in their responsibilities beyond a vague wish that they “could be advantageously entrusted by the assistant commissioners, subject to the sanction of the Chief Commissioner, with other responsible work in connexion with the duties either of the uniform or detective Force.”⁵⁰

Although the recommendations were made in May 1879, no reorganisation occurred until the Police Order of 16 December, 1881. This was because, apart from a change of government, consideration of the recommendations was complicated, on the one hand, by the death of Baynes and the retirement (in his 71st year) of Harris in February 1880 and, on the other hand, by protracted argument between the Home Office and the Commissioner (with a significant intervention by the Director of Criminal Investigations) about the details of the changes. The outcome (said to have been cleared with the Prime Minister⁵¹) was a structure which rejected a change of title, and reduced the number of District Superintendents from four to two. However, it did virtually nothing to increase their responsibilities, for example they were to see morning divisional reports and morning reports of crime but only after those reports had been seen by the Assistant Commissioner and the Director. Pearson was promoted vice Harris, and Howard and Walker were appointed to serve under Pearson and Labalmondiere

⁵⁰ 1879 Report, pp. 88-9.

⁵¹ HO 144/A5573, Home Secretary to the Treasury, 24 May, 1881.

respectively in a structure which divided the 21 Divisions into two groups. The District Superintendents remained with entirely administrative (including minor disciplinary) as opposed to operational responsibilities. The Parliamentary Secretary, Courtney, observed in July of a draft arrangement not much changed subsequently that "I cannot think that this organisation has in it a promise of working satisfactorily."⁵²

The 1886 Committee emphatically agreed. It recorded that the Disturbances Committee of February 1886 (set up in the immediate wake of the Pall Mall riot) had identified as one of the prime defects an insufficient number of officers of superior rank and education, and that the 1881 reorganisation had failed to carry out the recommendations of the 1879 Committee.⁵³ The Commons debate on 22 February 1886 had also surfaced criticisms of the senior direction of the force. The motion's mover, James Stuart - a proponent of municipal control of the Metropolitan police - "considered that among the superior officials of the Metropolitan Force there had long been and still was a grievous want of organisation and of attention to duty, as well as ability to know how to fulfil the duties imposed upon them."⁵⁴

The outcome was recommendations which re-endorsed those of 1879 in favour of servicemen of good social standing in four posts outstationed in districts and who

⁵² Ibid, Memorandum of 11 July, 1881.

⁵³ *Report of the Committee to Inquire into the Administration and Organisation of the Metropolitan Police Force*, C 4894, published 19 June, 1886.

⁵⁴ Hansard, Commons, 26 February, 1886, col. 1396.

were henceforward to be known as Chief Constables. The Committee stopped short, however, of prescribing their duties, leaving this to the new Commissioner, Warren, whilst leaving open the possibility of also appointing a new grade of Assistant Chief Constable with various staff functions at headquarters. All these changes took place, including as to the Assistant posts, and all the appointees were soldiers - a point which renewed comments about "militarization". The principle of the new Chief and Assistant Chief Constable grades was also applied to the Criminal Investigation Department (CID), though neither of the appointees (that is, Williamson - the only senior survivor of the 1877 Turf Fraud scandal - and Macnaghten) had any military background. This structure, with minor modifications, remained the one that obtained throughout the rest of the period under study.

There was, however, a subtle change of emphasis, in a way illustrated by the appointment of Frederick Williamson. Born in 1831, he was the son of the first Superintendent of T (Hammersmith) Division, David Williamson, a former Sergeant Major of Artillery, born in Perthshire and who had been present at Waterloo. After a short period as a War Office clerk, Adolphus had joined the force in 1850 and quickly became a member of the Detective Department formed in 1842 and in which he remained for the rest of his life, dying in harness in 1889.⁵⁵ His appointment signalled the recognition that then existed of the special character of CID work. Though he had no military background, and was not to be described as

⁵⁵ *Times* 10, 13 and 23 December, 1889.

a gentleman, he was a most experienced as well as adequately educated man with some linguistic abilities. It was these competencies that the appointment recognised.

Moreover, although none of the Committees had taken the point made by Labalmondiere that incomers needed more than social position and a habit of command to be fitted for senior appointment, it was evident that Henderson had declined to give the new caste forced upon him in 1869 any real operational responsibility. Whilst the crisis of 1886 and the concomitant appointment of the headstrong Warren had seemed to reverse the position, this effect was temporary only and over the next decade a recognised system of pre-qualification developed.

(b) 1886-1920

This section examines how the appointments system operated in respect of the 19 men appointed as Chief Constables 1886-1920, and whose records are outlined in Appendix B.

The system of appointment that developed from the late 1880s was not peculiar to the Metropolitan police. Henry Smith, for example, described it as it operated in the case of the City police in 1880s, and other provincial examples have been discovered.⁵⁶ Broadly, aspirant gentry advertised their interest and set about obtaining police experience by way of informal apprenticeship in forces where the

⁵⁶ Smith, H., *op. cit.*, Ch 9. See also Wall, D.S., *op. cit.*, Ch. 4.

chief constable was prepared to take them in. Smith was 50 on his first permanent appointment as a police officer (Chief Superintendent in the City) in 1885, and was subsequently Commissioner 1890-1901.

Such a system seems to have developed in the Metropolitan police from Warren's time, possibly as a result of the recruitment at Chief Constable level which took place after he became Commissioner in 1886. Whilst there is no apparent reference to any moment of decision in the surviving papers, there is a reference to a list in 1888 in the correspondence over Macnaghten's proposed appointment.⁵⁷ Although none of the personal papers of Chief Constables have routinely survived, they have in respect of Major Maurice Tomlin, who became an Assistant Commissioner in 1932. When recommending him for appointment to the Home Office in 1912, Henry referred to a list of candidates who had registered their interest. Tomlin's file contains a printed folder with front page headings for age, qualifications and recommendations which suggests a fully institutionalized system in operation.⁵⁸ Tomlin had had some experience of police type work in Southern Nigeria and, when putting Tomlin's name forward, Henry explained that Tomlin had "spent time in a county chief constable's office learning details of police working."⁵⁹ A Mr Begg was also on the list but, Henry observed, had been there for a shorter

⁵⁷ MEPO 4/487, Warren to Lushington, 27 March, 1888.

⁵⁸ The folder contained a testimonial of 8 June, 1910, from the Chief Constable of Berkshire; "He is anxious to get a Chief Constableship and I have during the past five or six years allowed him to come to my office and learn the work. He is a very keen man and has excellent qualifications for such a post." Henry endorsed the letter directing that the name should be put on "the list". MEPO 3/2770.

⁵⁹ HO 45/24637/230985, Henry to Home Office, 21 December, 1912. Henry omitted to mention that Tomlin was the brother-in-law of Bigham who had been appointed a chief constable in 1909. It was also not perhaps irrelevant that Tomlin was 6'4" tall.

time. Tomlin, although eventually promoted – briefly – to Assistant Commissioner was later to object to the unqualified appointees brought into the force by Macready and Trenchard. They were essentially former staff officers with whom the two Commissioners were already familiar and with whom they sought to re-surround themselves.⁶⁰

Appointees brought in on the coat-tails of others did not presumably have to lobby on their own behalf, but others without such patronage certainly did. In that sense, the list can be seen as a handy defensive tool against solicitation. Aspirants and, more importantly, their patrons could be told that applicants' names would be placed on the list for further consideration. In that way, no outright refusal was necessary and, therefore, no personal capital used up. Granted that appointments were made by patronage at Chief Constable and Assistant Chief Constable level, it can be imagined that knowledgeable aspirants would seek ways into the system wherever possible. When Home Secretary, for example, Churchill was approached by a Captain FitzClarence who numbered Dame Nellie Melba amongst his supporters. Churchill would have been familiar with the system because he had himself approached his predecessor, Herbert Gladstone, in 1909 on behalf of an

⁶⁰ Tomlin, M., *Police and Public*, Long, 1936, Ch. XII, pp. 224-282.

Edgar Lafone. FitzClarence was not appointed but Lafone was.⁶¹

Appendix B reveals that Chief Constable appointments up until 1918 largely followed the 1879 Committee recommendations that the posts should be occupied by “gentlemen of good social standing, and should, as a rule, be officers who have seen service in the army or navy”. Up until 1918, apart from the already discussed cases of Williamson and of Macnaghten, the sole exceptions were Bullock and Bigham. The former, most likely an acquaintance of Henry and appointed only two weeks after Henry had become Commissioner, had had a significant Indian judicial career, culminating in appointment as a Judicial Commissioner.⁶² Bigham was, at 34, a youngish but well-connected barrister. He was appointed to fill the role formerly undertaken by Bruce, also a barrister with no police experience appointed in 1884 to deal with licensing, traffic and similar functions, and to be a source of

⁶¹ WSC, 12/2/79, letter of 22 August, 1910; Churchill to Gladstone 28 January, 1909, BL Add Mss 45986. He was, however, appointed by Churchill rather than Gladstone – and at that only two weeks after Churchill became Home Secretary. It is not known whether Lafone was already on “the list”. It is known, on the other hand, that he and Churchill had served together in the 4th Hussars, and that the Lafones were personal friends: both the husband and the wife wrote separately congratulating Churchill on his engagement to Clementine Hozier – see the letters of 20 and 21 August 1908 in the Churchill College archive (CHAR 1/74/55 and 56). It is possible that it was Lafone who was the Chief Constable of whom Macready recorded “In one case an unsuitable officer had been forced on the Commissioner by a Cabinet Minister for purely personal reasons.” Macready, N., *Annals of An Active Life*, Hutchison, 1924, p.314. Horwood, with untypical generosity but with some condescension, characterized Lafone as “A good fellow and liked by all ranks.” Horwood to Anderson (Home Office) 15 June, 1925, MEPO 19/5. Lafone’s father, Alfred, sat as Conservative MP for Bermondsey 1886-1892 and 1895-1900. (He voted against the amendment to the County Council Bill of 1888 that would have given London police functions to the LCC. See Hansard, Commons, 12 July, 1888, col. 1155.)

⁶² When successfully recommending Bullock for promotion to Assistant Commissioner in 1909, Henry stressed the extent of Bullock’s judicial experience and the fact that, as Judicial Commissioner, Bullock decided capital cases at a level reviewable only by the Judicial Committee of the Privy Council. See Henry’s memorandum of 20 February, 1909, in BL Add Mss 46066.

general legal advice for the Commissioner.⁶³

After 1918 there is a distinct and deliberate change of practice: except for Horwood, all the other appointments up to 1920 were made from within the force. Whereas the first – James Olive⁶⁴ – was almost certainly conceived at least in part as a deliberate counterweight to the introduction and swift elevation of Horwood – much as Robert Walker had been included in the first tranche of District Superintendent appointments in 1869 – the same is not true of Morgan and Billings. Macready made quite clear that their promotion was part of a new, deliberate policy:

...I can see no reason why the post of Chief Constable should not always be filled within the force. For the higher appointments, especially that of Commissioner, experience is desirable wider than can be obtained by a lifetime in London, and I doubt whether, saving in

⁶³ He was another of the senior officers to whom Horwood did not warm. Remarking in 1925 that Bigham had by then got over his objections to Horwood's rapid preferment in 1918, Horwood concluded: "Personally I cannot understand what his qualities were for his appointment as an officer of the Metropolitan Police. He is very definitely unfitted to fill the post of ACA [Assistant Commissioner, Administration] as he has no conception or experience of handling men." Horwood to Anderson (Home Office) 15 June, 1925, MEPO 10/5. Nonetheless, Bigham became Deputy Commissioner in 1931.

⁶⁴ See Appendix B for Olive's career. Macready claimed that he appointed Olive "to assist in the difficult duty of reorganizing the Metropolitan police" (MEPO 2/2772, letter to Home Office, 8 December, 1919) but he would have also been mindful of Olive's position in the force as a legendary fundraiser for force charities, amongst other things as the leader of the Police Minstrels. The new Representative Board resolved – not quite unanimously - on 21 November, 1918, "That this Board thanks the Commissioner for his action in promoting Superintendent Olive to the rank of Chief Constable, and trusts that this is only the first step towards placing the Metropolitan Police Force on a really democratic basis". (See copy on MEPO 3/2772.) The *Police Review* (11 October, 1918) reported both Macready's comments that the move would "indicate to all ranks the possibility of attaining the higher ranks in the Force" and his remarks to the *Star* that it did not mean "we are going to draw all our Chief Constables from the ranks of the Force."

exceptional cases, promotion above the rank of Chief Constable should be looked upon as a monopoly of the force.⁶⁵

Overview

What does this narrative reveal about how Home Office Ministers behaved in this aspect of carrying out the police authority function? First, it is evident that policing expertise by itself was held in low esteem. Officers of long experience generally were regarded as having no claim on appointments above Divisional level. The only exceptions until 1918 were Walker and Williamson, and in both cases there were special factors in their favour. Secondly, for the District Superintendent/Chief Constable tier the norm throughout was the preference voiced by the 1879 Committee for gentlemen with service backgrounds. Whilst this specification was undoubtedly influential for Commissioners and Assistant Commissioners, it was never dominant, and most of these appointments went to men who, whatever their occupational origins, had become socialised into civil service behavioural norms. It was, in its way, the triumph of the clerks though not in quite the same way as noted in respect of the Home Office clerks over Du Cane and the prison administrators.⁶⁶ Only in crisis was the civil service background discarded, for example in 1886 with

⁶⁵ Macready, N., op. cit., p. 315. If Olive's appointment was a crowd pleaser, Macready's promotion to Chief Constable of H.D.Morgan, the youngest of the Superintendents, was clearly a wake-up call to that comfortable body. (See Appendix B.) There is also the point that Macready's successors did not slavishly follow his vaunted policy. For example, a Home Office review of appointments between October 1920 and September 1931 indicated that a number of subsequent appointees continued to come from outside the force though a proportion had previously spent time studying work in provincial forces and, in one case, the Metropolitan police itself. HO 144/20637/525492/6.

⁶⁶ McConville S., *English Local Prisons 1860-1900*, Routledge, 1995, Ch 12 - "Triumph of the Clerks". Sean McConville's proposition was that the permanent officials in the Home Office were in a position always to insist on their views prevailing against those of the professional head of the Prison Service. Undoubtedly true in the particular instance of differences with Du Cane, the question is how far the proposition could hold good in different circumstances.

Warren and in 1918 with Macready. Neither stayed for very long, and Warren's departure was undoubtedly a clerical triumph in much the same vein as McConville has noted in the prisons case.

Thirdly, there is an important political dimension to appointment practice in the non-party sense that military careers gave admission to a pool of potential appointees peculiarly serviceable to governments engaged in expanding state activity at a time of restricted educational opportunity and limited democratic mandate. It has been observed of the 1830s and 1840s that government had the advantage of being able to draw on

a sufficient number of men well-ensconced within the existing ruling groups, who were willing to take on new administrative roles and forward the expansion of government activity.... In that kind of society a man who was a civil servant and not much else might find it very difficult to implement new methods in the face of local vested interests.⁶⁷

From this perspective, many of the appointees were doubly qualified: they had made the transition from purely military roles and they had, in such cases as

Henderson and Bradford, worked also directly with Ministers. Despite the military trappings, they had in fact become what would subsequently be recognised as

⁶⁷ McCord N., "Some limitations of the Age of Reform", pp. 187-201 in *British Government and Administration : Studies presented to S. B. Chrimes*, H. Hearder and H.R. Loyn, (eds.), 1974, University of Wales Press, Cardiff.

career civil servants. They could be appointed to exposed roles because they knew the rules and were unlikely to be political risks.

Prominent though he became, none of these things was true of Captain Eyre Massey Shaw who in 1869 showed interest in succeeding Richard Mayne. His letter was a considered description of what he thought was needed but it evidently made no progress.⁶⁸ Although he possessed some police experience as chief officer of the Belfast force, that experience – June 1860-August 1861 – was brief, in relation to a force that never exceeded about 160 men, and took place in Ireland.⁶⁹ He had taken over the London Fire Brigade in 1861, and this had no doubt given him a vantage point from which to view the Metropolitan police. His career remained, however, with the fire service: an energetic and effective modernizer, he had no government or political experience, and at that stage probably little significant political acquaintance.

It was a similar absence of like characteristics which probably told in the end against Labalmondiere, admired as he was by the lower ranks, clearly superior to Harris despite the latter's police command experience, and thoughtful and shrewd as he now appears. Appointed at 35 as Inspecting Superintendent vice Hay in 1850 by Sir George Grey, following the intercession apparently of a sister's husband, he claimed in his acceptance letter from Bombay to be "one who is a

⁶⁸ MEPO 2/39, letter of 11 January, 1869, to Home Secretary.

⁶⁹ See Stallion, M. and Wall, D.S., op. cit., p. 48. See also Griffin, B., *The Bulkies*, Irish Academical Press, Dublin, 1997.

total stranger to you and devoid of official interest.”⁷⁰ Promoted Assistant Commissioner in 1856, his appointment letter made it clear- as it was made clear simultaneously to Harris - that neither of them was to consider that they would have any special claim on the Commissionership when it became vacant.⁷¹ Although Labalmondiere became acting Commissioner on Mayne’s death in December 1868, he was not appointed. There were perhaps two reasons for this: the fact that he had shown some independence of mind in responding to the opinionated Fergusson⁷²; and that he was the internal candidate when Ministers had concluded that bringing in reliable fresh blood at the top was inevitable granted the nature of the public dismay at the Clerkenwell incident. The management of appearances, in other words, was thought crucial to the political response.

Right through the period, appointments were made within what remained very much a patronage universe. In the absence of agreed objective, professional policing criteria, appointment turned on a number of distinct if largely unarticulated assumptions. Most clearly perceived of all for the middle tier District Superintendent/Chief Constable rank was a theory of attraction. That is, military or naval experience could be relied upon as sufficient qualification for directing the operational staff work involved, and undertaking that vague but desirable function characterized in its boldest form by Horwood as the “handling of men”. As the

⁷⁰ HO 45/3322, letter of 2 March, 1850, to Grey. It is couched in the kind of flattering gratitude that had to be the fluent stock in trade of aspirant placemen.

⁷¹ HO 45/6093, see draft letter of February 1856.

⁷² The deathless “I have heard many arguments which have influenced my opinion but never one which influenced my vote” is attributed to Fergusson - see headquote in Tivey, L., “Constitutional Reform : A Modest Proposal”, *Political Quarterly*, 1995, p. 278.

importance of the CID increased, this view was tempered to some extent as can be seen with the promotion of Williamson. Even so, Macnaghten – perhaps the least initially qualified on any criteria – could emerge as a credible head of the CID after 13 years in a situation where impeccable gentlemanly credentials could still count.

In such an environment propinquity scored heavily. Thus, Henderson, Bradford, Macready, Horwood, Anderson, Wodehouse, Thomson and Elliot were known quantities and could be appointed with reasonable confidence. Significantly, Warren and Monro were not really known in the same way when appointed: although Matthews and Lushington have been customarily blamed for the events that led both Commissioners to resign, neither Commissioner can in retrospect be seen as a victim however unattractive and maladroit Matthews might seem.⁷³

There was also indirect propinquity. Even in the case of the Chief Constable posts, few of the applicants seem to have come entirely unannounced out of the blue. Gilbert, for example, had become Chief Constable of Hull in the January of the year he was appointed Chief Constable in the Metropolitan police – 1886.⁷⁴ A surprising number had political connexions, if not necessarily of the most august or direct kind. Lafone, Craik and Bigham were the sons of MPs; Monsell was related to a Cabinet Minister; and Knollys was the son of someone who had not only been

⁷³ It must, for example, stand to the Conservative Matthews' credit that he was defended in the 1890 debate by the idiosyncratic Radical Liberal, Atherley-Jones, who had led the Parliamentary upset over Miss Cass in 1886. For the latter, see Chapter 5 below. For the 1890 intervention, see Hansard, Commons, 20 June, 1890, col. 1559.

⁷⁴ *Police Guardian*, 5 February, 1886. See also Stallion, M., and Wall, D.S., *The British Police: Police Forces and Chief Officers 1829-2000*, Police History Society, Bramshill, 1999, p. 104. The move also doubled Gilbert's salary.

Black Rod but also Treasurer and Comptroller of Edward VII's household when Prince of Wales. Lafone was also an old friend of the Cabinet Minister who appointed him and, interestingly, did not suffer in the clearout Macready conducted on his arrival in 1918. The Cabinet Minister was, after all, still a Cabinet Minister even if no longer Home Secretary. Macnaghten, Bullock and Horwood were the protégés of Monro, Henry and Macready respectively.

Although the absence of consensus on a professional status for policing was an important factor in leading to the forms of patronage that may be observed, there was another predisposing factor, albeit working in remoter fashion. This was the fact that politics were for the most part during 1860 to 1920 not conducted in what would subsequently be regarded as a fully democratic form. The franchise, except from 1918, was confined to one gender, and even there remained incomplete for much the larger part. Policemen themselves received the right to vote only from 1887.⁷⁵ The potentially active political class was much smaller than that currently possible. This situation not only fostered networks of acquaintance but also facilitated dependence upon them for the promotion and perpetuation of the forms of political control enjoyed by the dominant groups. As the evidence demonstrates, in the mantra of the 1879 and 1886 Committees that appointees should be "gentlemen of good social standing" was at least as important as that they "should, as a general rule, be officers who have seen service in the army and navy".

⁷⁵ The Police Disabilities Removal Act 1887 (50 & 51 Vict. c. 9).

Taking risks

A senior post so far unmentioned is that of the Director of Criminal Investigations appointed as part of the response to the scandalous corruption in the CID revealed at the Turf Fraud trials in 1877. The first holder was Howard Vincent. He was 29 years of age, and had behind him five years as a junior officer in the infantry and two years at the Bar. He was able to call himself "Colonel" because he had acquired appointment as Lt Col of a Volunteer battalion. Famously, sensing that a new senior post would be created, he submitted (after researching the subject on the spot) a memorandum on the Paris detective police to the Detective Committee.⁷⁶ Vincent had travelled quite widely, had good French, and had qualified at the Faculté de Droit in Paris in 1877. He had also begun to develop a certain facility for lightweight journalism. However, much more to the point was that, in addition to ingratiating himself with the Committee and its chairman, the Home Office Parliamentary Under Secretary, he assembled a formidable set of testimonials - crucially, including one from the Attorney General.⁷⁷ No-one, not even his at times remarkably candid biographers,⁷⁸ could call Vincent well-qualified

⁷⁶ The 1878 Report records receiving the memorandum but neither it nor any of the other written evidence received by the Committee appears to have survived.

⁷⁷ Jeyes S.H. and How F.D., *The Life of Sir Howard Vincent*, George Allen, 1912, Ch. V (which includes a version of the memorandum).

⁷⁸ Ibid : Vincent "...loved approbation and needed it.." (p. 13); "...there was in his nature a tendency, never quite eradicated, towards being a rolling stone". (p. 31) The candour surprises since the biography was commissioned by the widow.

by reason of intellect, professional or civil service experience.⁷⁹ What he did have, however, was energetic opportunism and a certain persuasive charm - persuasive enough at least for Ministers anxious to be seen to be putting a reformed detective system in place.

In comparison with other senior appointees throughout the period, Vincent had only a smattering of military or legal experience and absolutely no police operational experience whatsoever. Nor did he have Macnaghten's social maturity and more august social background. In Vincent's case, however, the exceptional circumstances of a major public scandal encouraged Ministers to take a risk. Acting in such a way illustrates the extent to which the police function at this level was not then perceived - perhaps could not be perceived as the Police Service Advertiser rather accepted in 1869 - as having any established form. Without in any way seeking to compare the talents of the two men, there is here something reminiscent of the despatch of Macaulay to India 40 years before: "Only in a peculiarly acute internal crisis of her history was England prepared...to send out as a legislator a man so inexperienced in the law as Macaulay."⁸⁰

⁷⁹ The absence of an understanding of public service norms showed through painfully in his enterprising – in all its meanings – efforts 1882-3 to reform the *Police Gazette*. See HO 45/9618/A14252.

⁸⁰ Stokes E., *The English Utilitarians and India*, Clarendon, Oxford, 1959, p. 242.

CHAPTER 2

METROPOLITAN POLICE CIVIL STAFF

This chapter examines the role of the civil staff, charts important changes in their status - both absolutely and in comparison with police officers - and considers the persistence of degrees of patronage which continued into the Edwardian period.

Inception

Far from being a late afterthought, civilian, non-police staff known as “civil service clerks” were present from the beginning and in senior roles. If the Receiver and his staff owed their being to the fact that the resources of an appropriate local authority were absent in the metropolis and had therefore to be invented, the Commissioners’ Chief Clerk was in 1829 essentially the administrative functionary next in seniority to them. However, as the force and its responsibilities grew, the priorities of operational staff work became more dominant and threatened to eclipse, though they did not eradicate, the Chief Clerk’s position in what became known as the Metropolitan Police Office (MPO) as distinct from the Office of the Receiver of the Metropolitan Police. The process was gradual and not uncontested as the Commissioner’s clerks felt the challenges to their status that such movements implied. The Receiver’s staff faced no similar challenges to their quite separate establishment although, as recounted in Chapter 3, on several occasions Commissioners attempted to amalgamate the Receiver’s functions with their own, and that threat – never entirely removed throughout the period – must have been a constant though not perhaps an oppressive factor in their functioning. It certainly

impelled Receivers to emphasise their own indispensability to Home Secretaries at every feasible opportunity.

The position of the Home Office in relation to these staffs was all of a part with its general attitude to the force: exacting, detailed control in all small things, and passivity in relation to everything else. Every change in establishment and salary required Home Office approval, but none occurred except on the initiative of the Commissioner or the Receiver. The reviews of the staffs of the Commissioner and Receiver in 1860 were the only ones commissioned by the Home Office in the nineteenth century until that of the Receiver's staff in 1899 – itself a defensive reaction to a bid from the Receiver. The Departmental Committees of 1868, 1878, 1879, and 1886 were predominantly concerned with operational questions, and although evidence was taken from clerks, none of the Committees made any recommendations in regard to them.

The legal status of the staffs was not clarified until 1875 even though they had been included in the 1870 Order in Council. Although the various qualifying examinations were modernised gradually, the system of nomination had an exceptionally long life. In retrospect, one of the most interesting features of these staffs is the extent to which certain employment practices persisted some time after their extinction elsewhere in the public service. Further, just as the original status of the force's clerks declined for internal reasons, so was their status challenged at the turn of the century by the consequences of larger social changes. Clerical work

multiplied mightily and this increased demand was matched with an increased supply of recruits from hitherto less exalted social strata who had nonetheless gained access to the educated levels necessary to discharge the duties required. In other words, the quasi occupational monopoly which supported their status in 1829 crumbled as general levels of educational attainment rose.

At the same time, police clerks (that is police officers in fact undertaking clerical duties), who had been cheap and flexible labour in the force's early years, became progressively more expensive as their pay and conditions improved. By the turn of the century, the Home Office was beginning on grounds of cost alone to develop policies of what subsequently became known as "civilianisation".

Metropolitan Police Office (MPO)

The first Chief Clerk was Charles Yardley appointed at the age of 35 and on a salary of £500, only £300 less than the Commissioners and more than twice the salary of a Superintendent.¹ He had been recommended to Mayne by one of the latter's barrister acquaintances, and the Home Office put him first on one month's trial.² Initially, the Chief Clerk's staff were responsible for all correspondence and for keeping the Commissioners' accounts in a situation where the Receiver was

¹ MEPO 2/1, letters of 16, 19 and 21 October, 1829. He had been on the Commissariat staff in France during the Waterloo campaign for just over a year in 1815-16. He was said subsequently to have gone into business on his own account but to have sustained a severe loss following the explosion of a steam boiler. He had apparently spent a year in chambers reading law immediately before his appointment. He and his sponsor had evidently concluded that he would have difficulty in establishing himself at the bar.

² David Dundas (1799-1877), called 1823, practised on Northern Circuit (as did Mayne), later MP 1840-52, Solicitor General 1846-8.

responsible for the Metropolitan Police Fund as a whole. The correspondence duties were at the beginning heavily weighted towards recruitment and managing the regular returns to the Home Office concerned with the management of the personnel of the force.³

The work – a good deal of it needing to be carried out in confidence - required educated skills at the time in relatively short supply in British society. In addition, it was believed that, because it needed to be carried out in confidence, it was necessary for it to be carried out by men (women were never considered until the First World War) of a certain social background – who were, in any case, those most likely to possess the educated skills required. The same circular logic produced the inescapable, and convenient, conclusion that those appointed needed a salary commensurate with, and capable of permitting them to maintain, their social position.

The challenge to clerkly status

The expansion of the force from 1839 led both to an intensification of these duties and the addition of new ones as the force was found to be a convenient – until 1855 and the creation of the Metropolitan Board of Works, the only - instrument for metropolis wide regulatory functions beyond the crime control and public order core functions. Thus in 1843, under the London Hackney Carriage Act, the force began to take on hackney carriage regulation, and in 1850 had transferred to it the duties of the Registrar of Metropolitan Carriages. It also acquired duties under the

³ See generally HO 61 for the period 1829-39.

Common Lodging Houses Act, 1851, the Smoke Abatement Acts from 1853 and even dangerous structures under the Metropolis Buildings Act, 1855. (Similarly, the Receiver took on the servicing of London Magistrates' Courts in 1839 and the new County Courts from 1846.) Whilst the reasons for selecting the force were rather different, its taking on in 1860 all the naval dockyards as well as the War Office establishments at Portsmouth, Devonport and Chatham (and subsequently the Contagious Diseases Acts duties associated with the military areas) required both a considerable addition of strength and associated administration and inspectorial duties.

Not all these new duties fell to the Chief Clerk. Traffic regulation, for example, was in 1853 put together in a new Public Carriage Branch (PCO) under a specially recruited ex-soldier, Colonel Paschal. More significantly, however, the unique position of the Chief Clerk and the civilian clerks was eroded in two ways. First, the easiest and the cheapest way for the Commissioners to respond to the growth in demand was to use constables as additional clerks. Secondly, it became convenient for some administrative work to be undertaken in what became known as the Executive Branch or Department.

As already explained, this Branch grew out of the A (the Whitehall) Division, and the reliance the Commissioners came to place on its Superintendent, John May. Operational imperatives meant that the Commissioners could not rest entirely on the Chief Clerk for administrative support. Gradually, a staff function directly

answerable to the Commissioners began to separate out from more informal expedients. Moreover, it began to assume more continuing administrative responsibilities. By 1878, for example, what was by then known as the Executive Department had become responsible for the smoke abatement, lodging houses and contagious diseases legislation. The Chief Clerk retained the correspondence, personnel and accounts functions, and in addition had by then acquired the PCO and lost property. There was no clear rationale for this division and, indeed, this fact reflected the reality that administrative work did not require unique skills nor were the skills that were needed ones that only the civilian clerks possessed.

Amongst the snapshots that permit these processes to be observed is the 1860 report⁴ of the staff inspection of the Commissioner's office undertaken by Anderson (Treasury) and Redgrave (recently then retired from the Home Office and formerly long connected with police issues). This found not only that the establishment of four civil clerks authorised in 1840 had been augmented by 3 Sergeants and a constable, but that there were also a further Inspector, 3 Sergeants and 4 constables undertaking work relating to the "internal organisation" of the force. The PCO, then still under Colonel Paschal, consisted on 1 civil clerk, 5 Inspectors, 3 Sergeants and 5 constables.

⁴ MEPO 2/82. Appointed on 8 May, 1860, by the Home Secretary "to inquire and report to him as to the salaries of the Clerks in the Establishment in the Office of the Commissioner of Police", they reported on 18 October, 1860. This was a response to the Commissioner's request in March that his clerks should receive the same emoluments as the Receiver's. Although the term "staff inspection" is anachronistic, that is in modern parlance what it was. Treasury staff inspectors and similar functionaries continued to be employed by the Home Office for identical purposes in relation to the force's civil staff for more than a century afterwards.

Anderson and Redgrave particularly deprecated the employment of police officers under the Chief Clerk. This was primarily because they gained full knowledge of the confidential correspondence, including the complaints made against their comrades. Moreover, their source of extra pay was inimical to the efficient discharge of their duties viz. on alternate nights, after an office day from 10 a.m. to 5 p.m., they were stationed to keep order in theatres and other places of public amusement, a duty for which they received the considerable addition of at least £25 a year to their pay.⁵ Their presence, and on such terms, were much resented by the civil clerks though Mayne continued to support the arrangement and obtained Home Office agreement⁶ with the proviso that he should not also resort to supplemental civil clerks who, although paid less than the regular clerks, were still more expensive than policemen.

The civil clerks continued to press their view. The report of an inspection undertaken five years later by Yardley (whose salary was £650 on retirement in 1863 and who received a pension of £433.6.8d) again recommended against the arrangement:

The late hours and exposure to the weather at night tempt them to the use of stimulants to keep up their energies; they occasionally have charges, and the attendance on the following day is a necessary interruption to their duty.⁷

⁵ Cavanagh, posted to A Division as a police clerk first did theatre duty in 1856. He claimed that it doubled his pay. "It was not only necessary to be responsible for good order but to make oneself useful generally..." Cavanagh, T.A., *Scotland Yard Past and Present*, Chatto, 1892, p.141.

⁶ MEPO 2/82, letter of 22 February, 1861.

⁷ Ibid, report of 11 January, 1866.

Mayne remained unmoved. It was not until 1870 that Yardley's successor, Edward May, was able to persuade Mayne's successor, Henderson, that the right course was to dispense with police officers altogether and replace them with 6 supplemental clerks at £80 a year.

The clerks' satisfaction at this outcome did not end their anxieties. In 1879 the three most senior clerks under the Chief Clerk (still Edward May) put together a round robin for submission to the Departmental Committee then looking at the non-CID parts of the force:

We venture to say that there does not exist at the present time in the Public Service a Department so thoroughly disorganised as our own. For some time past, the Chief Inspector in charge of the Executive Branch has been encroaching more and more on the functions of the Chief Clerk of the Commissioner's office, till today it has practically come about that there are two Chief Clerks in the office instead of one...⁸

It is not clear whether the memorandum was seen by the Committee, though its burden was put to them orally when May and the most senior of the other clerks, Fry, gave oral evidence. May, who had been originally appointed in 1841 and had by 1879 been Chief Clerk for 15 years, claimed that the gradual growth of the Executive Branch had confused responsibilities and estimating routines, and that

⁸ HO45/33350, memorandum dated 30 January, 1879.

the head of the Branch had too much influence with the Commissioner. His remedy was to restore the original position of the Chief Clerk:

Always from the time of the commencement of the service the executive branch was considered subordinate to the chief clerk, but they have gradually assumed such a position with the increase of duties and a large increase of numbers that they have almost become an independent branch of the office, and they are treated accordingly by the Commissioner almost as independent.⁹

Lewis Fry¹⁰, probably the main author of the round robin, backed up May and spoke of the “duality of authority” – mentioning also that Mayne had had a preference for police clerks who, however, had not cut the mustard.

That the situation had given rise to much ill-feeling was mentioned by Howard Vincent:

There is undoubtedly an enormous rivalry between the civil service and the police. I have great respect for him personally as a most useful officer, but the present chief clerk has always used very strong terms as regards the police, and this has circulated amongst the

⁹ 1879 Report, Evidence, Q 3799.

¹⁰ Lewis Fry, originally appointed in 1862, and father of C.B. Fry (1872-1956) the athlete, had his own anxieties. A diary entry for 18 March, 1881 records his visit to Harcourt's Private Secretary, Mitford, at the Home Office “who promised to speak with Sir W. Harcourt about my promotion – he suggested that nothing should be done by me in the matter.” CF 65.84. He was in fact promoted in August 1880 to succeed May the day before the latter's death following his ill health retirement at the end of July, aged 59. Fry was subsequently plagued with ill health himself, and reverted in 1884.

police, and the most cordial hatred exists between them, and they do their best to oppose each other, which of course is very undesirable indeed.¹¹

Legal status

Both the Commissioner's and the Receiver's clerks were commonly described as "civil servants". On that basis they had been without any significant analysis included in the 1870 Order in Council though exempted – as were Home Office clerkships – from open as opposed to limited competition.¹² Similarly, the clerks had been assumed to be superannuated under the legislation intended to apply to all civil servants.

These assumptions became challenged, however, when the Receiver (Drummond) in 1873 raised the issue of principle that he thought arose, that is, if his staff were to be included in the Order, then it followed that he should be relieved of his obligation to provide a bond. Although the 1861 Act had made the Receiver a corporation sole, the 1829 Act provision (section 10) requiring him to be bonded for security of his responsibility for public funds remained. Both Drummond and his predecessor had argued that the existence of the bond¹³ entitled them to the

¹¹ 1879 Report, Evidence, Q 5205. The implied criticism also, of course, of Henderson though it has to be said at the same time that May was regarded as something of an ogre by his own staff: see MEPO 2/82 for round robin remonstrance of 6 November, 1875, to the Commissioner claiming that May's "personal treatment of some of us has been of a most extraordinary and unjustifiable character, and it is very galling to us to feel that we can never enter the chief clerk's room on official business without running the risk of something disagreeable occurring."

¹² Limited competition had been required in the MPO since the Home Secretary (Sir George Grey) had so decreed in 1866 – see HO 45/33350, letter of 26 June, 1866.

¹³ The requirement for the bond was not repealed until the Police Act 1890 – section 29.

nomination of candidates for appointment since they needed to have a personal assurance of probity as well as evidence of qualification.

However, when the Legal Under Secretary at the Home Office (Lushington) looked into the matter, the core issue that he identified was not what were the consequences for the Receiver or anyone else of inclusion in the Order but, rather, whether the clerks should have been included in the Order at all.¹⁴ Because the operative definition of membership of the civil service in the 1859 Superannuation Act turned on whether the costs of the staff concerned were defrayed wholly from monies voted by Parliament, it was evident that none of the Metropolitan police clerks (that is irrespective of whether they were Commissioner's or Receiver's staff) could be regarded as civil servants. This was because the force was supported both by Parliamentary *and* locally raised monies. It followed, too, therefore, that the clerks were devoid of any certain pension provision since, although hitherto they had been pensioned under the 1834 Act, they were not included in the civil service pension Acts and the only superannuation legislation that applied to the force was confined to the officers of the force itself.

Fraught exchanges with the Treasury and the Civil Service Commissioners followed and the position accordingly rectified in two ways. First, all Metropolitan police civil staff were removed from the Order in Council but a role for the Civil Service Commissioners maintained so that, although they would examine on

¹⁴ See HO 45/9373/3914, letter of 16 November, 1874, and Opinion of 24 November, 1874.

subjects specified by the Home Office, it was on the basis that the civil staffs were not civil servants, that the posts were not open competition posts, and that the Commissioners would not issue certificates of qualification.¹⁵ Secondly, the Metropolitan Police Staff (Superannuation) Act 1875 tidied up the situation both by giving new prospective powers to the Home Secretary to make pension schemes and by retrospectively validating pensions granted under the now doubted authority of the 1834 Act. In practice, the Home Secretary was authorised to make pension schemes which put the civil staffs on the same basis as civil servants even though they were not civil servants for all other purposes. This commenced a process which ultimately resulted in the civil staffs being assimilated for pay and grading purposes at the end of the period to civil service norms when those norms were themselves established.

Pay and grading

As already indicated, this was another area where the Home Office expected the initiative for change to come from within the force itself. Treating the Receiver's and the Commissioner's offices as distinct throughout, and acting on the view that the Treasury had no role in relation to staff who were not civil servants, the Home Office dealt with applications from them entirely separately and without great effort after 1860 to compare situations in the sense of aiming at consistency. In part, this could be understood: the offices were very different places and it did not follow from their mere existence that the structures and emoluments should be identical.

¹⁵ Open competition had already, however, been introduced into the Home Office in 1873. For the circumstances, see Pellew, J., *op.cit.*, pp. 21-22.

On the other hand, the staffs themselves were keenly aware of their relative positions, and any advance secured by one was bound to be demanded by the other. And it was not only that they were aware of each other's situation: they were also highly sensitive to the salary levels of other posts outside the force that they judged analogous.¹⁶

Above all, perhaps, it has to be borne in mind that the civil staffing like the police staffing responded to the dynamics of population growth, legislative initiative and changing social conditions and expectations.¹⁷ Successive discussions about pay were inseparably united with considerations of grading as work expanded. For most of the period, it would be true to say that the Receiver tended to have the larger number of senior staff. This was both because of the significant accounting responsibilities for money and stores, and the fact that his staff was at no time diluted by the diversion of duties to police clerks.¹⁸ In that sense the Receiver's little empire was inviolate.

In both offices, however, the salaries of established clerks were, in comparison with their present day values, certainly high, if no higher than salaries in the civil service proper. For example, whereas Principal Clerks in the Home Office received

¹⁶ The Receiver's Chief Clerk applied to be put on a par with Senior Clerks in the Pay Office - see HO 45/57299, letter of 4 February, 1868.

¹⁷ The Commissioner singled out amongst other things the spread of education "which enables every person who has anything to write about, whether a grievance or otherwise, to express himself in more or less intelligible language" - HO 45/10534/151572, letter of 15 April, 1907.

¹⁸ By 1874, for example, although there were no longer police clerks in the Chief Clerk's branch, that branch had but 8 established and 6 supplemental clerks whereas there were 36 police clerks in the Executive Branch - see HO 45/33350, statement of MPO staff on 24 November, 1874. In 1870 the Home Office establishment for all officials was a total of 33 - Pellew, J., op.cit., p. 23.

£900-£1000 p.a. in 1876, the maxima for the Commissioner's Chief Clerk and the Receiver's Chief Clerk were respectively £700 in 1880 and £800 in 1881. On the other hand, the very smallness of the offices could lead to stagnation and very slow prospects of promotion¹⁹ which, in a situation where salaries – even with limited incremental scales - were aligned strictly to grade, was the only means of securing enhancement other than by the rare general salary reviews. Indeed, it was when clerks hit the top of the incremental scales that pay reviews were most likely to be requested.²⁰ The supplemental clerks were, on the other hand, very much at the bottom of the heap with distinctly lower salaries than the established clerks and no certainty of their positions.²¹ As the Commissioner remarked, this made them a restless crew, ever in search of more permanent posts.

The Home Office was aware of the defects of its own situation. When in 1876 the Commissioner asked his clerks to be given the same increase as recently awarded to the Receiver's clerks, the Home Secretary (Cross) asked "Are there more of Banquo's ghosts and if so how many?" His Parliamentary Under Secretary (Ibbetson) gave a less than emphatic reassurance: "No, I think every ghost is or will be by this put to rest at least for a period. I will not venture to say for all time."²² They also later became aware of the way in which overtime – the classic response

¹⁹ The Commissioner pointed out in 1892 that in the previous 17 years there had been only 2 promotions to 1st Class Clerk and where one promotee had been in the previous class for 14 years and the other for 16 – HO 45/9733/A53680, letter of 16 February, 1892. By 1907, 12 of his 20 clerks were on their maxima – HO 45/10534/151572, letter of 15 April, 1907.

²⁰ See memorial of 28 July, 1876, from the Receiver's clerks on HO 45/57299.

²¹ It transpired in 1881, for example, that one of the Receiver's clerks had been "temporary" for 9 years - HO 45/57299.

²² HO 45/33350, minutes on Commissioner's letter of 8 December, 1876.

of workers in otherwise immovable salary situations - had become institutionalised in some areas of the Commissioner's functions.²³

The slow death of "Old Corruption"

As already hinted above, there were features of the civil staffs which suggest the persistence of practices somewhat beyond the period when they have been commonly thought to have been discontinued elsewhere in the public service. It has already been pointed out that, whereas the Home Office clerkships were made eligible for open competition in 1873, there was no simultaneous incorporation of the civil staffs in the Metropolitan police. The question is when and how did the change come about in their case, and what does the process reveal about the way in which such changes came about in the public service. As has been pointed out, older forms of patronage appointment were not instantly eradicated by the reform movements of the 1780s, or after the 1832 Reform Act, or following the later Northcote-Trevelyan Report.²⁴

The fact is that in the Metropolitan police systems of nomination, mitigated by qualifying examination, persisted into the twentieth century. Whereas appointment records have not survived, traces of the effects of the processes have. Thus, in the Receiver's Department, three generations of the Golden family can be discerned. The first was the Receiver's original Chief Clerk and he was succeeded by a son.

²³ See, for example, the protracted correspondence (HO 45/14521/101211) between 1893 and 1920 about the force's Statistical Branch.

²⁴ Rubenstein, W.D.: "The End of 'Old Corruption' in Britain 1780-1860", *Past and Present*, No 101, November 1983, pp. 55-86.

This meant that there was a Golden in the post between 1829 and 1886. The last Golden was succeeded by Edward Mills who had been brought from the Treasury as a personal appointment by the second Receiver, Drummond. The first Receiver, Wray, claimed to cast a wide net in the sense that by 1860 he had found the then junior clerk, Sandars, by writing to tutors of a Cambridge college.²⁵

Neither Wray nor any of his immediate successors would surrender the Receivers' prerogative to nominate their own staff. Drummond claimed in 1870 that this was because his office stood "in a peculiar position as a money office – nearly £1 million of money passing through my hands in a year – for the due application of which the Receiver has to give personal security and to find surety for a large amount." This was accepted by the Home Office: "Sir Robert Peel is said to have given the patronage of these appointments to the Receiver because of his personal responsibility; & the Receiver still nominates the Clerks in his office."²⁶ Twenty-one years later, the then Receiver (Pennefather, appointed in 1883), wrote to seek re-confirmation – which he obtained – that he alone was responsible for appointments and conditions of service.²⁷

The situation was to some extent different in the Commissioner's office. There, as recorded above, it had been the requirement since 1866 that there should be at

²⁵ HO 45/9545/57200, Wray's letter of 23 March, 1860. Sandars, he said, had "taken his degree with some distinction".

²⁶ HO 45/9373, Drummond's letter of 16 August, 1870, and undated note by Home Office official apparently following discussion with the Receiver.

²⁷ HO 45/9731, letter of 18 August, 1891. It is not clear what prompted this approach, but it may have been related to the Police Act 1890's removal of the requirement for the Receiver to be bonded for his office.

least three nominations in limited competition for any vacancy. Nonetheless, in whatever exact form, the arrangements in both offices fell well short of open competition, and the question remains why?

There seem to be two answers. First, the very small staff in the Home Office throughout most of the period had to struggle hard to keep its head above water. It was not apt to disturb longstanding arrangements if there was no active reason for doing so. Although open competition had arrived in the Home Office in 1873, the first appointment under the system was not made until a vacancy occurred in 1880. The new appointees that followed were not for some time in a position to throw their weight around, if that is what they wanted to do. And they were certainly not in a position to take on the Receiver or the Commissioner. Similarly, Ministers had so many calls on their attention that the precise terms of service of remote clerks was unlikely to press upon them.

However, such explanations do not seem entirely convincing. The senior staff were well aware of the situation and, after 1880 at least, would have been alive, too, to the discrepancy between the Home Office and the Metropolitan police. Still they did not move. Why?

There is some evidence to give grounds for a second explanation. It is that the Home Office clerks themselves took advantage of the nomination systems for their own benefit, and therefore had an interest in their continuing. It was one thing for

Wray to favour the Golden family, but it was another for G.H. Tripp to secure a nomination for his son, Alker Tripp, to a Commissioner clerkship. The elder Tripp had been appointed to the Home Office in 1878, and his son's appointment was in 1902. One of the Receiver's clerks who eventually became the Chief Clerk in 1886 was H.A. Everest, the son of George Everest (1805-1885), a long serving Home Office clerk on the criminal side and specifically involved in police business.²⁸ It is possible that there were other cases it has not been possible to identify. It is a fact of life after all that, where there is an opportunity to take advantage of a situation, then advantage will be taken. Relative to the great sinecures of the past, these clerkships were small beer, but the point is that they were not without benefit for small men.

These relationships could not have passed without notice and the Tripp relationship led to some wary, internal navigation. When the Commissioner in 1911 proposed amongst other changes that the younger Tripp should receive a special increment of £50 to his salary for his traffic work, an anonymous Home Office marginal comment was "A sop to Cerberus?" By 1911 Tripp senior was Receiver, and the implication was that the Commissioner was attempting to make his assent

²⁸ On the younger Everest's retirement in 1914, Troup recorded that the Secretary of State "notes with much interest that your own and your father's connexion with the Home Office have extended over a continuous period of 93 years." Letter of 20 June, 1914, on HO 82/27.

to the proposals more likely.²⁹

In the end, the initiative for change came not from the Home Office but from the Commissioner, Edward Henry. In 1907 in a cogent 29 page letter he reviewed the whole of his civil staffing, mordantly characterising the response to the kind of Home Office control that had been practised since 1829 as follows:

The policy generally adopted seems to have been to defer asking for an augmentation of staff until the last moment, when the risk of breakdown was imminent, and then to make provision barely sufficient for the current needs, the same process being repeated from time to time as the volume of work increased or was added to.³⁰

In other words, the Home Office had settled for a policy of delayed incrementalism. Characterising the entry examinations of the limited competition system as falling short of what was then required or available, he mounted a lethal, unanswerable attack on the nomination system. Reminding the Home Office that open competition had been in existence since 1870, that Departments not formally subject to it had in fact accepted it, and that the Indian Public Service Commission (he was himself, of course, a graduate of the Indian Civil Service) judged it had

²⁹ HO 45/10534/151572, Commissioner's letter of 4 July, 1911. Alker Tripp prospered though not as he had hoped. Expecting to be made Secretary (as the post of Chief Clerk became designated in 1915) in 1924, he was passed over in favour of an importee from the Inland Revenue. The Home Office's rationale in insisting on the appointment was ostensibly to bring in fresh blood to an inward looking organisation, and the official papers do not record the *schadenfreude* probably current in some circles as a result. He was consoled by being appointed an Assistant Commissioner in 1932, the first to be appointed with his background. Traffic remained his speciality until he retired in 1947.

³⁰ Ibid, letter of 15 April, 1907.

produced officers “many of whom have earned a high reputation for administrative capacity of a high order”, he concluded –

The nomination system is an anachronism which should not be allowed to continue to exist in the Head Office of what we hope is the most up to date Police Force in the whole world.

He recommended that his staff should in effect be assimilated to the appointment systems and qualification standards prevalent within the civil service proper.

Henry’s Home Office interlocutor was Troup, the first open competition entrant to the Home Office, and the first to be promoted Permanent Under Secretary – in fact in the following year. Troup had no hesitation in recommending acceptance of Henry’s proposals, and it seems impossible to believe that they had not been the subject of prior discussion between the two men. (By this time, only the width of Whitehall separated their offices.)

This still, however, left the position unchanged in the Receiver’s office where the long serving Pennefather had been in office since 1883. An opportunity to review the situation there presented itself when in late 1908 Pennefather submitted generous proposals in respect of his staff. The response was to set up an inquiry undertaken by Byrne, a senior Home Office official and the elder Tripp, then still the head of Home Office finance. They lost no time in recommending against the

continuation of limited competition, and the same regime therefore became applied to the Receiver's staff as to the Commissioner's.³¹

But there was a further sting in the tail of the Byrne/Tripp report. In addition to majoring on the open competition issue, they argued for employing people of lesser status in a number of areas at lower cost. In their view, some people were receiving fancy salaries for not very much in return:

These considerations clearly indicate the desirableness of entrusting as large a proportion as possible of the routine work of the clerks of a subordinate class and in a different station in life, who would regard as ample provision a maximum salary which to a man of different social standing and expectations would be a pittance; and we greatly regret that we have not seen our way to suggest this substitution on a more extended scale.³²

For those who had not already worked out correctly for themselves the likely cumulative consequences of preceding social changes, Byrne and Tripp put the writing on the wall for all to read. Moreover, in the Commissioner's office, status reversal was on the cards. When the Superintendent in charge of the Statistical Branch retired in 1919, the Commissioner (Macready) proposed the appointment of a civil clerk in his place. Even though Macready proposed also to augment the clerk's salary for the grade otherwise accepted as appropriate, the Receiver

³¹ It follows that it was not the case, as maintained in Reynolds, J., *The Receiver for the Metropolitan Police District*, Metropolitan Police, 2000, p. 4, that the Receiver's Office adopted open competition before the Commissioner's Office and that it had immediately adopted the 1870 Order in Council in 1870.

³² HO 45/10564/172681, report of 5 November, 1909.

pointed out that the new head of the Branch would have more highly paid Chief Inspectors working under him. This did not prevent the change taking place.³³

On the other hand, none of this eradicated hyper-sensitivity to social nuance. In 1915, Henry applied for permission to employ female clerks for the first time. Of his male clerks of eligible age, 66% had volunteered for military service. Henry thought the he would need 4 women to replace every 3 men. He added:

In the case of this Office it will be essential to have women of good education and still more essential to secure women of good class.³⁴

Class still mattered alright, but the going rate had declined.

³³ HO 45/14521/101211, letter of 17 November, 1919 and ensuing minutes.

³⁴ HO 45/10534/151572, letter of 11 November, 1915.

PART II

FINANCIAL CONTROL

This part consists of two chapters. The first considers the role of the Receiver of the Metropolitan police, and the second examines how the force was funded. The latter cannot be understood without an understanding of the functions of the former. Indeed, the crucial role of the Receiver has been relatively neglected by historians of the force¹, and one of the objects of what follows will be to restore the Receiver to his more proper position in the scheme of things.

¹ For example, the Office of the Receiver receives only six mentions in Browne, D.G., *The Rise of Scotland Yard*, Harrap, 1956, and five in Ascoli, D., *The Queen's Peace*, Hamish Hamilton, 1979. Both were inclined to scapegoat the Receiver for the outcomes of policies he had no choice but to administer. Moylan, being the Receiver when he contributed his centenary volume to the Whitehall Series, not surprisingly gave the role more its due but from a contemporary rather than an historical perspective – see Moylan, J.F., *Scotland Yard and the Metropolitan Police*, Putnam, 1929, Chapter 13.

CHAPTER 3

THE OFFICE OF THE RECEIVER²

This chapter describes the functions of the Receiver, explains their context, examines the background of the officials who held the office up to the 1920s, and explores how the triangle of relationships involving the office, Commissioners and Home Office developed over that period.

Functions

The 1829 Act created three officials appointed by the Crown, that is two justices (known by law from 1839 as “Commissioners” but in practice so designated from the earliest times) and a Receiver (contemporary usage for an accountant or treasurer) who was responsible for accounting for all moneys, and for holding and managing property. Their difference in status was initially signified by the fact that their salaries were not only at different levels but also funded differently - that of the Commissioners being paid from the Consolidated Fund but the Receiver’s coming from the rate income for the Force. (Some years later all these salaries were funded by Parliamentary Votes, that is, none was dependent on local taxation.)

It is possible that Peel had at one time thought of putting the three posts together

² Some of this material is contained in Morris, R.M., “The Metropolitan Police Receiver in the XIXth Century”, *Police Journal*, Vol. XLVII, 1974, pp. 65-74.

into a single board directing the Force.³ However, in the event, the 1829 Act not only distinguished the functions but Peel approved distinct office establishments for the Commissioners and the Receiver respectively.

Peel attached high importance to the Receiver's functions: "I really believe that no man who has not had a legal education, and has not also had some practical experience as an accountant, will be able to discharge the duties of the office with any comfort or safety to himself." To another correspondent, Peel said: "The success of the Bill mainly turns on the office of Receiver. The Receiver will have to fight the battle with all the parishes, to collect the rates from each of them. He will have the whole police property, watch-boxes, watch-houses, arms, etc., vested in him, and the making of all legal contracts for the purchase of land and buildings."⁴

These remarks did not overstate the case. During a few months in the summer of 1829, the Receiver had to take charge of old watch houses and new premises to accommodate as well as station the men for working purposes, and let and supervise contracts to clothe and provision the large battalion size of the initial force which quickly expanded to 3,000 men. Weekly pay and accounting systems had also to be devised and put in place, together with banking systems which had

³ Hansard, Commons, 15 April, 1829, cols 876-7, where Peel during his Second Reading speech appeared to envisage a board of three equals. However, by the time the Bill was debated in the Lords, Wellington quoted from what became section 1 of the 1829 Act and referred, therefore, to only two not three justices – Official Report, Lords, 5 June, 1829, col. 1751. For the question of boards generally, see Willson, F.M.G., "Ministries and Boards: Aspects of Administrative Development since 1832", *Public Administration*, Vol. XXXIII, Spring 1955, pp. 43-58.

⁴ Letters respectively Peel to Goulburn, July 1829, quoted in Parker, C.S., *Sir Robert Peel*, Murray, 1899, Vol.2, pp. 114-5, and Peel to Lord Chandos, June 1829, quoted in Gash, N., *Mr Secretary Peel: The Life of Sir Robert Peel to 1830*, Longmans, 1961, p. 500. In the latter case, Peel was resisting the demands of his correspondent (son and heir to the Duke of Buckingham, a government supporter) in favour of one of his friends, a Mr. Wyndham.

to handle considerable sums, all then in coin. In addition, a system for precepting the 90 parish and other authorities in London and the counties of Middlesex, Kent and Surrey had to be established and enforced.

Context

In retrospect it may seem curious that it was thought necessary to create a free-standing functionary like the Receiver. Although the Middlesex and Surrey Justices Act of 1792 had established a similar post, that had been in relation to the judicial offices of stipendiary magistrates created by the Act and continued in its various subsequent extensions. In that case, it would not have been appropriate to look to an official of local government, say the treasurer of one of the Quarter Sessions administrations of a county authority, since it was clear that the responsibility for funding the Police Offices created was that of central government. The 1829 Act, on the other hand, created a police force entirely funded from local rates and, in the normal way, some locally accountable official could have been expected to assume the Receiver's duties. After all, that was the solution adopted in the 1839 Acts which created temporary forces in Birmingham, Bolton and Manchester. In each case, although they were explicitly modelled on the Metropolitan police and each had a Receiver with identical functions, the explicit statutory expectation was that the Receiver should in fact be the Treasurer of the borough authority concerned.⁵

⁵ See section 6 in each case of the Acts for Manchester (2&3 Vict. c.87), Birmingham (c.88) and Bolton (c.95).

There were in fact two main reasons – technical and political - why the post was established in London in its particular form. The technical reason is that there was no local authority coterminous with the Metropolitan Police District (MPD). Except for limited shire or local act purposes, the largest local authority was the parish or like precinct, and the MPD from the beginning cut across county boundaries even before its extensions from 1839. This was an England which, it has been observed, was “short of agency”.⁶ It followed that, if there were no suitable local agency to hand, then one would have to be created.

The political reason marched hand in hand with, and reinforced, the technical reason. The point here was that the 1792 Act was the precedent of answerability to the executive that ministers had uppermost in their minds.⁷ Even if they were not prepared to fund it from central revenues, what they wanted was a force directly answerable to them. That was what the 1792 Act had created in the small constabulary forces attached to the Police Offices, and what was at the root of the experiments from the early 1800s with the Horse and Foot Patrols appointed by the Home Secretary and commanded by a Home Office official who acted as Conductor.⁸ Whilst, as the next chapter will show, attempts were made to mask this fact, amongst other things by police division boundaries which cut across parish boundaries and thus made before and after cost audit comparison

⁶ Prest op. cit., p. 4.

⁷ See generally Paley, R., ‘The Middlesex Justices Act: Its Origins and Effects’, Ph D. Thesis, University of Reading, 1983.

⁸ HO 61/1, folio 101 describes their history up to January 1822. The Conductor was William Day, Keeper of the Criminal Register 1800-1841 – see also Sainty, J.C., *Home Office Officials, 1782-1870*, Athlone, 1975, pp. 27-28.

impossible, the aspiration was clear enough to contemporaries. In other words, the existence of the Receiver was as much proof of the government's intentions as section 5 of the 1829 Act which gave the Home Secretary control over the size and direction of the force. It is true, of course, that the government had to underwrite the cost from 1833 and that for four years only was it dependent entirely on rate borne expenditure – but that fact reflected merely the success of the initial presentational strategy which represented to ratepayer and Treasury alike that the new force would be no more expensive than the arrangements it replaced.

Background of officials

Over the period 1829-1920, there were only five Receivers, the last of whom (Moylan) was appointed in 1919. His predecessors, and their length in post from 1829, were as follows:

John Wray (1829-1860)

Maurice Drummond (1860-1883)

Alfred Pennefather (1883-1909)

George Tripp (1909-1919)

John Moylan (1919-1945)

The background and behaviour of successive Receivers is a paradigm of developments in public office during the nineteenth century. Their history shows a transformation from a concept of office that was personal and to an extent

proprietary to one that followed a service model of impartial, if politically aware, conduct. This transformation was not, however, the product of some automatic improving process but one which reflected the politics of the times. As has been pointed out, politics has to be inserted to make "Economical Reform" intelligible: "...thorough retrenchment and administrative reforms were central to the legitimization of elite political authority throughout the industrialising age, and Parliament, under the leadership of mostly Pittite and Conservative ministries, was able to provide them."⁹

John Wray was 47 on appointment. He came from an established family in Collingham, Yorkshire, and his father, Colonel Wray, had been Chairman of the Waterloo Fund. Graduating from Trinity, Cambridge, in 1804, he was admitted to Lincoln's Inn only in 1823 at the age of 41 and following a period when he may have functioned in legal and financial milieux¹⁰, and during which he published in 1819 a pamphlet on banking policy. In 1825 he founded the University Life Assurance Society (with whom a young Irish barrister, Richard Mayne, took out a policy in 1828). He was both chief actuary and chief executive of the Society, and his houses respectively in Sussex Street and in Sussex Place (both to the north-west of what is now Trafalgar Square) were provided to him at the Society's

⁹ Harling, P., *The Waning of Old Corruption: The Politics of Economical Reform in Britain, 1779-1846*, Clarendon, Oxford, 1996, pp. 8-9. The extent to which police and civil officials subscribed to a political rhetoric of retrenchment will become apparent, especially in the next chapter.

¹⁰ Gash, N., *op. cit.*, describes him as a solicitor on appointment (p. 500). Since the call to the Bar seems to have been relatively late, it is possible that Wray served first in that branch of the profession, although Wray makes no reference to such a history in the surviving papers and spoke of himself as qualifying only as a barrister.

expense.¹¹ As a barrister he practised – and continued after 1829 to practise as he claimed he was permitted – at the Parliamentary bar, especially later in relation to private bills concerning railways.

The 1829 Act treated his role as entirely personal. Appointed at the Sovereign's pleasure, he was similarly removable. He had to put up a bond in a sum fixed by the Treasury (in fact £9000, or more than a 10 year multiple of his salary), and there were detailed, statutory provisions not only about his rendering account but also about what should happen on departure from office, including on death. His successor was given a statutory right to sue (on death, to sue the estate of the deceased) for outstanding monies on the basis that, on appointment, the successor was automatically vested with the monies and the properties, leases and so on vested in his predecessor. In other words, because the concept of office was personal rather than corporate and enduring, provision had to be made specifically to ensure continuity with the responsibility for ensuring continuity being placed on the successor.

There was no expectation that Wray should be a fulltime official. The fact of his connection with University Life must have been known. The insurance link with Mayne may possibly have been the route through which he came to Peel's attention in the first place. Similarly, that he continued to practice at the Bar must

¹¹ University Life Assurance (ULA) Minute Books, seriatim 1825-1866 when Wray retired – see minute of 21 June, 1866, recording Wray's retirement as Resident Director and Chairman with effect from 16 May, 1866. Policy No. 375 on the life of Richard Mayne was taken out on 17 November, 1828.

equally have been understood in the relatively small and close professional life of his time. The fact that the Home Office would have had to sanction the mortgages Wray took as Receiver with the Society in 1840¹² demonstrates that the connection would have been known at least to officials. His regularly journeying between his successive homes in Suffolk Street and Suffolk Place to and from Scotland Yard (walks then of about half a mile) would have made him a familiar figure at the top end of Whitehall, including as he stopped off to deposit monies at Drummond's bank then, as now, located (though today only as a branch of the Bank of Scotland) at the north west tip of Whitehall.

Initially, Wray's administration was well regarded. The 1834 Select Committee Report¹³ praised his stewardship and economy, just as it damned the competence of Thomas Venables, the Receiver for the Police Offices. On the latter's death in 1837, Wray was asked to amalgamate Venables' duties with his own and this arrangement was subsequently made permanent in the Metropolitan Police Courts Act 1839¹⁴. When examined by the Committee, it had emerged that Venables was an official pluralist holding offices which brought in £1600 a year. A former Private Secretary to Peel, Venables, in addition to being simultaneously a clerk in the Home Office and Receiver for the Police Offices, was Receiver of Tenths, Receiver of Queen Anne's Bounty, and Deputy Clerk of the Signet. At a time when the

¹² ULA, Minute Book C, Directors Court, 23 September, 1840. The mortgages for £20-25,000 were to be taken out by Wray as Receiver to the Police Courts (i.e. as opposed to Receiver to the Metropolitan police) "on leasehold property on which a number of Police Offices and other Buildings are to be erected." The rates were 6¼-6½% for leases 60-80 years and 6% for leases over 80 years.

¹³ *Select Committee on Metropolitan Police Offices*, PP 1834, Vol. XVI, (1834 Report), p.6.

¹⁴ Section 7, 2&3 Vict., c. 71.

character and expectations of government were changing, Venables' accumulation of offices – partly as compensation, he said, for his exertions as Private Secretary¹⁵ - was evidently regarded as a phenomenon which looked backwards rather than forwards. In comparison, Wray shone.

This situation changed, however, during Peel's administration of 1841-5 when the Home Secretary was Sir James Graham. Throughout the period, Graham – “the greatest administrator, but the least of statesmen”¹⁶ – pursued Wray relentlessly over the condition and timeliness of his accounts, the efficiency of his office, and his own attendance to duty. Graham's chief agent for this harrying was not the Permanent Under-Secretary, Philipps, but William Anderson, the Deputy Paymaster General and a Treasury official first encountered by Graham in his reforming days in the early 1830s at the Admiralty. Anderson was unleashed to undertake what was in practice one of the very early examples of what became the Treasury committee of inquiry.¹⁷

There was both an overt and an unspoken rationale to this pursuit. As to the former, Graham was entirely genuine in his desire to instil high standards of

¹⁵ Venables had been appointed Receiver to the Police Offices by the retiring Home Secretary, Sidmouth, “as a Reward for the faithful and diligent discharge of his duty as His Lordship's Private Secretary and in consideration of his having been deprived, without remuneration, of the Receivership of the Thames Police.” HO 61/1 f. 252, undated memorandum of 1822.

¹⁶ Hutchinson op.cit., p. 323 – Algernon West reporting Gladstone's opinion of Graham in 1896. Lord Welby reported the same view: “I often had opportunities of talking with Mr Gladstone of Sir James, and I am sure I report him correctly when I say he placed him among the very first of our administrative statesmen”. Parker, C.S., *Life and Letters of Sir James Graham*, Murray, 1907, letter of 27 September, 1905, p. 166.

¹⁷ Wright, M. *Treasury Control of the Civil Service 1854-1874*, Clarendon, Oxford, 1969, for which generally see Chapter 8, pp.194-224.

personal conduct and of efficiency into public administration. That was, after all, one of the enduring legacies of the Peelites to British government. The results of one of the earliest recorded staff inspections of its type undertaken by Anderson had no difficulty in detecting things amiss, for example, accounts kept extra-statutorily in the wrong banks, and claimed delegations from the Home Office both insufficiently precise and insufficiently recorded. Wray defended himself and explained the practical reasons behind the informal diversions from strictly required practice. In the end he had to be peremptorily ordered to close the accounts he had held in two separate clearing banks for, respectively, Metropolitan police and Metropolitan courts monies.¹⁸ One of the outcomes was the drawing up for the first time of consolidated "Financial Regulations" which listed the extent of approved delegations and procedures.

However, it was the unspoken rationale that was probably behind the vehemence with which Wray was so relentlessly pursued. The fact was that, at a time when Parliament had been culpably slow to reform the pursuit of private interest in the promotion of private, especially railway, Bills, Wray's activities in his practice at the Parliamentary bar had come to unflattering attention. A scandal surfaced in 1845 concerning the South Eastern Railway where the fact that an Ordnance clerk had sought to use influence corruptly led to a Select Committee inquiry which summoned Wray to give evidence on his part in the affair. Although the affair came

¹⁸ MEPO 5/109/1, HO letter of 12 October, 1841; MEPO 5/109/6, Anderson's report of 25 April, 1843, and Wray's riposte 29 May, 1843; MEPO 5/103/1, Home Office letter 4 March, 1844. One of Anderson's points about the irregular private accounts was that, in the event of Wray's death, they would become part of his personal estate.

to formal notice in 1845, veiled references to the practices of intermediaries like Wray had been made in the Commons in 1839. During the 1845 Select Committee investigation, it emerged that Wray had been active in the solicitation of MPs from the time he had been engaged as a paid agent of the South Eastern Railway in 1836 but had probably not been responsible for actual bribery. Graham had responded by issuing a sharp reprimand to Wray requiring him to confine himself to his official duties on pain of dismissal. The Opposition pressed for Wray's dismissal in a debate in August 1845 but Graham (who, incidentally, said that he had in four years never actually met Wray) refused to increase the punishment. Peel himself intervened at one point to support Graham and say that Wray's punishment was severe for one of his age. (Wray was then 63.) The government prevailed when matters were pressed to a division.¹⁹

What the debate revealed – apart, that is, from a certain amount of Opposition hypocrisy – was the emergence of a new dominant model of what was expected of public officials. As Graham's letter of reprimand put it,

I do not think it necessary, on the present occasion, to express any opinion whether the due performance of the Receiver General of Police might or might not have been, in the first instance, compatible with private practice as a barrister; but I can entertain no doubt that your interference, especially as a paid agent in canvassing Members must tend to weaken the confidence of the public in the impartiality of the Government, whose officer you are,

¹⁹ Hansard, Commons, 28 February, 1839, col 978; and 4 August, 1845, cols 1377-1418.

and materially to impair your efficiency in the performance of the official duties which are entrusted to you.²⁰

Interestingly, part of Wray's defence against Anderson's onslaught had been that he was being required to undertake duties unsuitable for his social status:

I confess I am much annoyed by that part which proposes that I should take upon myself the duties of Cashier. If such a condition had been imposed upon me when offered the appointment I could not have accepted the office...I think a Cashier under the Queen's Sign Manual is hardly known in a public department.²¹

No similar threats to Wray's successor appeared to materialise. On the news of Wray's imminent retirement in 1860 (at the age of 78), his erstwhile tormentor, Anderson, wrote from the Treasury to the Home Secretary, Sir George Cornewall Lewis, recommending the appointment of Maurice Drummond. He submitted the papers relating to the events of the 1840s and stressed that it would be "wise to appoint as his [Wray's] successor a person already trained to official business."²² The recommendation assumed both that the Home Secretary retained under the 1829 Act an entirely open power of patronage and that that power would be exercised according to a model that gave preference to a serving official. It is not

²⁰ Hansard, Commons, letter of 19 July, 1845, col. 1389.

²¹ MEPO 5/109 private letter to Philipps, Home Office, 29 May, 1843.

²² HO 45/6881 Anderson to Lewis 29 December, 1859. It appears that Maurice Drummond owed his Treasury clerkship in the first place as an act of consideration to the Drummond family following the murder by the lunatic M'Naughten of Edward Drummond, Private Secretary to the Prime Minister, Peel, in 1843.

known what, if any, consideration Lewis gave to other candidates, and whether these included officials in the Home Office.

Lewis appointed Drummond. This may not have been entirely a surprise. Not only had Drummond been his Private Secretary at the Treasury (in which he had been a clerk since 1843) and had moved, after serving a while with Lewis's successor, to join Lewis after the latter had become Home Secretary in 1859, but he was also related to Lewis by the latter's marriage to his wife's aunt. Moreover, his wife's affectionate step-father was Lord John Russell, a former – and future - Prime Minister. These were not disadvantages. However, there is also the point that, as Lewis's wife put it in a letter to her niece "no doubt, Maurice owed his appointment first rather to private than to official feelings; but *now* he has won his spurs."²³ As Drummond's wife put it: "It was easier then to obtain Government appointments by interest than it is now, and it was not then thought *infra dig.* to ask for them."²⁴ In turn, one month after he arrived as Receiver, Drummond himself proposed the appointment of Edwin Mills of the Treasury as one of his clerks, on the grounds that he was an experienced book-keeper.²⁵

²³ Champneys, B., *Adelaide Drummond*, Smith, Elder, 1915, p. 249.

²⁴ *Ibid*, p.257. She evidently did not think it beyond dignity fifty years later when she was no doubt the moving spirit behind the 4th Lord Ribblesdale's 1906 approach to Herbert Gladstone asking that her – his aunt's – only son and his cousin, Lister Drummond, should receive the next Police Court stipendiary vacancy – letter of 7 February, 1906, BL Add Mss 46066. Lister Drummond (1856-1916) was appointed but only in 1913.

²⁵ HO 45/7046, Drummond to Waddington 1 June, 1860. Mills eventually became Chief Clerk in the Receiver's office, retiring in 1895.

Interestingly, despite Graham's chastisement of Wray, Drummond seems to have had no hesitation in accepting other simultaneous occupation, his wife's biographer explaining that "His appointment of Receiver to the Metropolitan Police was only onerous as regards responsibility, and left him plenty of leisure."²⁶ This he used amongst other things to write for the *Pall Mall Gazette* in its Tory phase up to 1880 under Greenwood's editorship. If known, or noticed, it seems to have excited no recorded comment.²⁷ On the other hand, his writings were – like all the other contributions – anonymous and in his case of a sardonic, humorous kind which were not overtly party political. His wife and a daughter also contributed, his wife to a number of journals. Greenwood was recorded as saying that "The *Pall Mall* owed a great deal to Maurice Drummond."²⁸

However, although Drummond owed his appointment to family patronage, he arrived equipped with a Treasury perspective and 17 years' departmental service, and in that sense undoubtedly did possess relevant experience. Moreover, he pressed – in a joint letter with Mayne - for a change in the Receiver's legal status. This was achieved by means of the Metropolitan Police (Receiver) Act 1861 which made the Receiver a "corporation sole" – a step recommended by the Receiver's

²⁶ Champneys, op. cit., p.19.

²⁷ Even, for example, when the *Pall Mall Gazette* ran a campaign in 1878/9 about alleged declining police efficiency in dealing with crime. It was a Tory administration (and the *Gazette* at the time still a Tory paper) but the attacks were all against the police staff when (see below) Drummond was in dispute with the Commissioner. It is difficult to believe that the *Gazette* did not draw on Drummond's knowledge even if he did not initiate the attacks. In commenting on the articles, Henderson claimed as much in general terms and hinted that the Receiver's office was involved, but did not name names. See HO 45/9755/A60557, Henderson memorandum 18 June, 1879.

²⁸ Scott, J.W.R., *The Story of the Pall Mall Gazette*, Oxford University Press, 1950, p. 138. For the Victorian political press generally, see Koss, S. *The Rise and Fall of the Political Press in Britain*, Vol. 1, Hamilton, 1981.

solicitors as long before as 1846.²⁹ That is, the office was no longer to be perceived as one inhering in a particular appointee but, rather, one that retained a continuous life regardless of the office holder. It followed that monies and property were no longer vested in the Receiver personally but in the function. There remained a personal responsibility, of course, and the Receiver was still bonded against default,³⁰ but the concept of the office was now a professional one, and the change signalled a step change in the public administration context.

Drummond retired at 68 in 1883 to be succeeded by Richard Pennefather³¹, the Home Office Clerk in charge of Accounts, and who had joined the Home Office in 1868 as the Accountant specifically to discharge the new duties created by the Exchequer and Audit Act, 1866. In turn, he was succeeded in 1909 by George Tripp, the Finance Officer. In both cases, their experience of government accounting and familiarity with the financing systems for the Metropolitan police must have been strongly in their favour. Neither treated the role, as Drummond had, as a virtual sinecure. On the contrary, Pennefather was a vigorous innovator who promoted legislation for long-term funding and generally established the financial and physical infrastructure necessary for a greatly increased force. Both he and Tripp had also been nurtured in a Home Office which itself had grown

²⁹ HO 45/6881 letter Mayne/Drummond to Home Office 6 March, 1861; MEPO 5/305, Lyon, Barnes and Ellis to Receiver 18 July, 1846.

³⁰ Drummond was to argue that this fact meant that it would be inappropriate for the Receiver's office to be included in those to which open competition should apply – see HO 45/9373/39164/1, Drummond to Liddell, 16 August, 1870.

³¹ See biographical note at Appendix C.

significantly from its still modest size and abilities of 1860. Neither man had had a university education: indeed, Pennefather was coy about his schooling.³² Both, however, possessed a more sophisticated understanding of financial *policy* than any of their predecessors, including the former Treasury official.

Appointed in 1919, Moylan did not share the background of his two predecessors. He was the first open competition entrant to succeed to the Receivership whereas they had both joined the Home Office in more initially humble capacities, that is, below the First Division. Moreover, Moylan had not worked as they had on finance and in that respect was less well equipped. On the other hand, he was very familiar with policing policy issues. He had, for example, been the Home Secretary's emissary to South Wales during the industrial unrest in 1911. There, as explained above, he had dealt not only with the Major-General, Macready, in charge of the military but he had also been much in the company of a staff officer, Captain Horwood. In 1919 Macready was Commissioner and Horwood one of the Assistant Commissioners and Macready's successor a year later.

The question arises whether Moylan's appointment represented a deliberate break with what appeared to be settled practice (i.e. four predecessors whose common feature was a degree of familiarity with financial management albeit appointed in different ways). If so, to what end? Was it simply – as argued in the

³² The significance of their roles and careers in Home Office terms is dealt with in Pellew, Jill, *op.cit.*, especially at pp. 101-5.

case of the Prison Commission - a case of the “triumph of the clerks”³³; had financial matters become so routinised that the expertise did not have any longer to be supplied by the Receiver himself; or were there other considerations so far unidentified?

These are not issues that can be settled by looking at biographical backgrounds alone. It is necessary first to try to place Receivers so far as possible within the totality of the relationships in which they operated, and then determine how concepts of their role influenced the person specifications that, however unconsciously, informed the choices made. There is also the fact that hindsight tells us that Moylan's appointment was not an exception but became the norm.

The triangular relationship: Home Secretary, Commissioner and Receiver

On the face of it, the 1829 Act's arrangements were clear, and they were certainly robust enough to last until repealed in the Greater London Authority Act 1999 when a police authority for London was created on the model of police authorities elsewhere. The Home Secretary was the ultimate dispensing power: it was on his advice to the Crown that Commissioners, Receivers and, from 1856, Assistant Commissioners were appointed; he had to approve all the general orders of the Commissioners, appointments and promotions, and rate precepts before issue; the

³³ McConville, S., *English Local Prisons, 1869-1900*, Routledge, 1981, Chapter 12.

Receiver could enter into no contract without his approval, and had to submit regular accounts as required by him as well as at statutory intervals to Parliament. Although the Act did not deal explicitly with the operational powers of the Commissioners, they were to be inferred from their status as justices and, subject to any directions from the Home Secretary under section 5 of the 1829 Act, meant that they exercised the control and deployment of the force. They did not, however, exercise control over the Receiver. Although his duties made him appear in some respects to act as their agent for the clothing and provisioning of the force, he was answerable to the Home Secretary rather than to them.

Ordinarily, these relationships did not lead to difficulty. Whatever his problems with one Home Secretary, Wray seems to have had good relationships with his Commissioners from the early heroic days onwards. When asked by the 1834 Select Committee whether he had ever objected to proposals by the Commissioners, Wray replied: "I do not know that I have ever made a formal objection in writing; we do not carry on the business so officially. I consider the subject over with them."³⁴ On the other hand, the Commissioners and the Receivers maintained entirely separate civilian staffs of clerks whose careers lay wholly within either the Commissioners' or Receivers' offices. Each office communicated separately with the Home Office. When Drummond arrived in 1860, he had none of the advantage of either Wray's long tenure or more than slight

³⁴ 1834 Report, Evidence, Q. 4958, p. 363. This situation was fondly remembered many years later by one of the Assistant Commissioners (Harris) - "There were no such things as memorandums used in Mr Wray's time; it was all verbal communication". Accounts Commission 1878, Evidence, Q 171. (For the work of the Commission see below.)

knowledge of Home Office officials. His rather dark and sardonic manner³⁵ must also have made him an awkward person with whom to deal. On the other hand, Mayne supported Drummond's work when giving evidence to the 1868 inquiry: "We have always acted most cordially together and the business goes on most satisfactorily."³⁶

Personalities aside, the fact was that Commissioners were dependent on a Receiver whom they did not control. In the crises of 1877/8 and 1886/8, Commissioners attacked what they saw as the overweening character of the Receiver's office and the unnecessary restraints it imposed on their own executive initiative. The latter two episodes in particular saw splenetic outbursts from the participants. There was a reprise of these arguments in the early 1920s. Even in the 1840s, Mayne had not been averse to the suggestion – made by Anderson and which came to nothing – to substitute the Paymaster General's Office for the Receiver. Anderson's bait was that this would produce staff savings, though Wray pointed out that the work would still have to be done somewhere.³⁷ The attraction to Mayne lay in a scheme that would have given Commissioners more direct control of procurement. It would be right also to bear in mind that Mayne's restraint before the 1868 Committee about the Receiver's role may well have owed a good deal to the fact that the Commissioner was very much on the defensive not only because the Committee was set up in direct response to the Clerkenwell debacle,

³⁵ West, A., *Recollections 1832-1886*, Nelson, 1899, p. 77. As a Treasury Clerk, Drummond had been an habitu  of the Foreign Office "nursery" – p.34.

³⁶ 1868 Report, Evidence, p.81.

³⁷ MEPO 5/109A, letters of 7 April, 1849, and 29 May, 1849.

but also because that event had followed closely on the Hyde Park riots only shortly before.

The crises of 1877/8 and 1886/8

The origin of these crises was not the Commissioner/Receiver relationship as such but severe operational difficulties which precipitated, in the first case, major reviews of the force and, in the second case, a move to restore confidence by the appointment of a prominent serving soldier who turned out to be determined to get his way and impatient of what he regarded as unnecessary restraint.

The reviews which took place in 1877/8 were precipitated by the Turf Fraud. Spectacular criminal trials revealed that the then Detective Department first established in 1842 was, in the words of the Committee appointed by the Home Secretary to investigate the detective system, "under a system of espionage by thieves."³⁸ Two other committees were set up in the wake of the same scandal, but only that on the rest of the force (set up in August 1878) completed its report. The other committee was the Metropolitan Police Accounts Commission that took evidence in June and July 1878 but did not proceed further.

The Accounts Committee was chaired by Liddell, the Permanent Under-Secretary,

³⁸ 1878 Committee, Report, p. 41.

and its members were Ridley (Parliamentary Under-Secretary), and William Fagan, who had been a Director of Convict Prisons since 1865. Writing in 1888, Liddell's successor, Lushington, said that the committee had been set up because of differences between the Commissioner, Henderson, and the Receiver, Drummond. The record of the evidence shows that these differences were severe. At a time when his own record was under scrutiny, it would have been natural for Henderson to draw attention to what he claimed were restraints on his proper sphere. As explained in Chapter 1, Henderson was himself a very experienced public official who had in earlier posts had significant responsibilities which would have included finance.

Not mincing his words, Henderson attacked the existing system:

... there is too much autocracy in our system, in fact it is dual government: the Receiver is an independent body and the Commissioner is independent, and it is a system of government that does not exist, as far as I know, in any other departments...the theory that has gradually grown up is that the Receiver's office is entirely a separate and independent office.... The idea is, I suppose, that the Receiver is to act as a sort of check on the Commissioner's office; but how he can possibly check when he knows nothing except what the Commissioner tells him I have never been able to discover.³⁹

Henderson added that the full estimating picture was concealed from him and he could never learn the state of the Metropolitan Police Fund at any particular time.

³⁹ HO 347/2, Accounts Commission 1878, Evidence, p. 5.

Other evidence from the Commissioner's and Receiver's staffs demonstrated the working gulfs and the way in which business had come to be dealt with more formally between them. Wray's more casual and intimate regime had become one where communication rested almost entirely on the exchange of written memoranda. The state of mind amongst the Receiver's staff was illustrated by the Accountant, Evans, saying that, although Exchequer and Audit strictly examined the accounts after payment, "there are many ways in which the spirit if not the letter of the financial regulations would be evaded, if the Receiver's office did not exist."⁴⁰

Drummond was interviewed last in the surviving record. He laid much stress, as Wray had earlier, on the need to keep executive and financial responsibilities distinct:

My opinion is that the Commissioner should have nothing to do with finance, and the Receiver should have nothing to do with administration...if he [the Commissioner] were to have anything to do with it, it would simply end in the finance branch being in the state that the police branch is now, which is not a comfortable one... moreover it is absolutely necessary that there should be a check on the Commissioner equivalent to the Treasury check upon the departments. If the Home Secretary is left entirely to the tender mercies of the Commissioner, the Commissioner will, in my opinion, play ducks and drakes with the money he has to deal with.

Drummond went on to say that the Home Secretary needed an independent adviser to help him judge the Commissioner's demands since he had no means of

⁴⁰ Ibid, p. 32.

doing so from his own resources. Moreover, Henry Bruce, Home Secretary 1868-73, had specifically instructed him not to let the Commissioner know the surplus in the Fund at any time. Finally, when asked by the chairman whether he had any last remarks to make, Drummond did not hold back:

I have only to say that the fact of a department like my own which has worked like an admirably devised machine in the interest of the Home Office, the Treasury, and the ratepayers which has, as has been proved to you, saved thousands of public money, been called upon to justify its existence at the suggestion of the Department whose extravagance it controls, and which is notoriously in a state of utter disorganisation, is an incident I believe without parallel in the records of the public service.⁴¹

The surviving records do not explain why the Accounts Committee did not proceed to produce a report. There was no political discontinuity: Cross and Ridley remained at the Home Office until ousted at the 1880 election. The main conclusion, however, is clear – there was to be no change in the statutory arrangements. There is evidence, too, that Ministers did not repose full confidence in the probity of the Commissioner's administration.⁴²

From the point of view of administrative process, the interesting thing about the ill-tempered exchanges is the clues they give to the way in which the statutorily defined roles were being carried out in practice. As an overlay to the terse and limited language of the 1829 Act had grown up a web of theory about the

⁴¹ Ibid, pp. 62 and 69.

⁴² HO 45/9755/A60557, memorandum of 7 August, 1879, by Ridley, Parliamentary Under-Secretary, to Cross, Home Secretary.

character of the Receiver's function. He was not simply a passive accountant/treasurer functionary acting as the Commissioner's agent. Rather, he was the Home Office and Treasury watchdog as to the *merits* of expenditure. Whilst these issues had been implicit in some of the argument in the 1840s, thirty years later the issues had been made explicit and there was a more worked through intellectual apparatus to support the Home Office/Receiver view.

During 1886-8 the arrival of the strong-minded Warren as Commissioner saw a period of even more direct challenge to the Receiver's functions. As explained elsewhere, Warren had been selected as part of the response to the breakdown of order in the Pall Mall riots of 1886. Warren was highly impatient of anything he saw as a restraint on his operational independence. In the severe recession of the 1880s he was called upon to cope with the public order manifestations – especially in working men's assemblies in Trafalgar Square – of largescale unemployment. Falling out with Pennefather, Warren claimed that the Surveyor and Storekeeper should report to him, and the Receiver be nothing more than an accountant without any real independent status. Further, Warren claimed that he could not take instructions from the Permanent Under-Secretary but only direct from the Home Secretary himself.

Initially, every attempt seems to have been made to respond to points Warren raised. The Home Secretary, Matthews, told Warren that he would consider any scheme for modifying the existing system "to interfere as little as possible with you

discretion in details of the management of the Police Force; and I will consider any scheme you may submit with that object.”⁴³ But as Warren widened his offensive to include the Estimates and take the opportunity of a revision of the Finance Regulations to return again to points already thought settled, patience became exhausted. Warren insisted on launching his queries to the Home Office direct, Lushington observing that Warren seemed to have made no attempt before commenting on the 1888/89 estimates to obtain an understanding of the estimating system or the requirements of Metropolitan finance. Moreover, the Commissioner “should have asked for explanations from the Receiver himself – his own colleague having an office under the same roof.”⁴⁴ But it was, of course, Warren’s position that he should not have to submit to that burden. Indeed, he claimed that the Permanent Under-Secretary should clear with the Commissioner any submission on the Metropolitan police before putting it to the Home Secretary.⁴⁵

The Receiver, Pennefather, had already written to Lushington in May 1887 listing what he regarded as interferences by the Commissioner and demanding a general inquiry before any of the Commissioner’s proposals were adopted because of the

⁴³ HO 144/197/A46998/34, letter of 23 April, 1887.

⁴⁴ HO 45/9681/A48000D/36, memorandum of 13 May, 1888.

⁴⁵ See also HO 144/210/A48348 which deals with one of the casualties of this warfare between the Commissioner and the Receiver. One of the latter’s senior clerks, H.K.Evans, the Accountant, whose private and apparently innocent financial difficulties led to his bankruptcy in early 1888, was the subject of a campaign of vilification sponsored by Warren and fed by his Executive Officer, Superintendent Cutbush. A QC’s inquiry exonerated Evans (whom Matthews, the Home Secretary, had insisted against advice should be dismissed purely on the grounds of bankruptcy) and led to Cutbush’s being reprimanded. Following his dismissal, Evans wrote (with Pennefather’s assistance) an article defending the financial administration from Professor Stuart’s attacks made originally in the Commons in 1888 – see Evans, H., “The LCC and its Police”, *Contemporary Review*, Vol. LV, 3, 1889, pp. 445-461.

character of the financial system, “the efficiency of the check which is demanded alike by the Ratepayer and the Treasury”.⁴⁶ The Home Secretary, Matthews, responded by setting up a committee

To consider the relations between the Commissioner and the Receiver of the Metropolitan Police; and the present system of financial regulations and of accounts, and to report what would be the best form of regulation and accounts, consistent with the metropolitan Police Acts in order to secure the utmost efficiency of the force and at the same time to retain proper financial control.⁴⁷

The chairman was H.C.E. Childers who, in addition to having been in charge of the Admiralty and the War Office, had been Chancellor of the Exchequer 1882-5 and, briefly, Home Secretary in 1886 – briefly enough, however, to have experienced the Pall Mall riots and to have accepted the resignation of the previous Commissioner. The other members were Stuart Wortley, Parliamentary Under-Secretary at the Home Office; Knox, Accountant General at the War Office; Du Cane, Chairman of the Prison Commission; and Richard Mills, Treasury – and, incidentally, the son-in-law of Anderson who had called the Receiver to account in

the 1840s. Notably, there was no member of the Home Office at official level amongst the members, and indeed Lushington wrote, or had it in mind to write in July 1888, to Childers declining to give evidence on the grounds that he would be

⁴⁶ MEPO 5/65, Receiver's letterbook, undated May 1887 letter.

⁴⁷ It is not clear when exactly the committee was set up, though it may be inferred from HO 45/9678/A47228/4 and /5 that it was in April 1888.

obliged to make work whatever eventuated. He took the view that there was nothing wrong with the rules; rather,

they were personal difficulties due to the action of the Commissioner...assuming to himself duties of the Receiver or making it impossible for the Receiver to discharge them properly and doing this in an intolerably overbearing manner...I am convinced such changes [i.e. transferring powers from the Receiver to the Commissioner] will not tend to economy, and that so far from securing peace will greatly increase the friction.⁴⁸

Again, this committee did not proceed to report. Indeed, it is not clear whether it ever took any evidence. All that survives is copies of various papers prepared for submission to the committee. Chief amongst these are two memoranda from the Receiver.⁴⁹ The first set out Pennefather's version of recent events and his view of the questions of principle. He had tried to get on with Warren and he quoted from correspondence appearing to show his good intentions and the lack of reciprocation on Warren's part. He thought there were four reasons for maintaining the existing situation: the paramountcy of the Home Secretary depended on his having independent officers in charge of different departments; the interests of the ratepayers, having no direct control, demanded satisfactory imperial control; the Treasury contribution meant that the control should be of the strictest character and thus the Receiver should be invested with the most direct responsibility; and the existing division of responsibility between Commissioner and Receiver was fair.

⁴⁸ HO 144/197/A46998/34.

⁴⁹ MEPO 5/306, May 1887

In addition, with barely concealed reference to Warren, Pennefather hypothesised:

Supposing an officer was appointed to Commissioner who was by nature hasty beyond description – autocratic to a degree – and whose career was characterised by proceedings, which, if not strictly illegal, yet exhibited a great deal of impulsive self-will which many times carried him a little too far – how could the Home Office keep an efficient check on such a Commissioner if the Receiver did not exist as an independent officer of such a recognised position that his remarks would carry weight.⁵⁰

He claimed that no less an authority than the by then very experienced Home Secretary, Harcourt, in 1885 had refused to hear of any changes being made.

One of the functions which had always tended to produce friction was the office of the Surveyor. The post had been instituted in 1844 and had roles which required reporting both to the Commissioner (in respect, for example, to the Commissioner's responsibilities for dangerous structures and common lodging houses) and to the Receiver whom he advised on building maintenance, equipment, purchase and property management generally – all matters of great interest to the Commissioner. A memorandum by the Surveyor explained his duties and the fact that, since 1868, he had been placed under the Receiver for all general purposes though he reported directly to the Commissioner in respect of his exclusive responsibilities. The Surveyor recommended no change.

⁵⁰ Ibid, Pennefather to Home Secretary, 13 July, 1887.

The remaining papers comment on proposals apparently made by Knox, the War Office Accountant General, that the relationship should in principle be assimilated to the War Office design set out in Orders in Council in February 1888.

Pennefather objected⁵¹ that they would reduce the Receiver to an accountant general and, above all, the papers gave no explanation why the change should be made. He pointed out the importance of the Surveyor's position, that he was nowhere outside London attached to the chief constable, and, anyway, the Commissioner had no power to enter into contract. As to handing the responsibility for stores over to the Commissioner, it had to be remembered that they were really money in another form.⁵² From inside the Home Office, the Clerk in charge of Accounts, Tripp, supported the Receiver:

...for no matter how thoroughly such questions might be dealt with in the Home Office no advice could be so valuable (other things being equal) as that of the officer who, from the daily routine of his duties, is conversant with all the details of expenditure and in touch with the actual conditions of the fund.⁵³

It is almost certain that the committee did not proceed to a report because of Warren's resignation in November 1888. In a closely worded memorandum in the following month, Lushington recommended to Matthews that the arrangements be

⁵¹ Ibid, undated memorandum

⁵² Ibid, later undated memorandum.

⁵³ HO 144/197/46998/34, [5 May 1887]

left undisturbed despite the fact that the committee had apparently been minded to opt for the military model which he thought inapt: "In comparison with the War Office, the Metropolitan Police⁵⁴ is a puny office cut off from public opinion."

Similarly, there was an inappropriate tendency to approximate the police's chronic duty of maintaining public order to warfare, and by analogy justifying the Commissioner to act as a general in the field where the normal financial disciplines were understandably abandoned in the interests of securing victory. Recounting the history of previous inquiries and the background to the recent one, he went on

...it was doubtless in reliance of the financial administration of the Secretary of State, through the Receiver as his adviser, that the Treasury did not itself interfere with the expenditure of the Metropolitan police. The Receiver is in short a Home Office official located in Scotland Yard having assigned to him statutory and other duties relating to Finance.

Lushington added that he could not state too emphatically that if economy in police administration or, what amounted to the same thing, if control by the Home Secretary over police expenditure was to be secured, what was required was to strengthen the hand of the Receiver. There was no danger of the latter fettering the Commissioner; he had no power to do so. The danger of the Receiver being put in

⁵⁴ Lushington will have had in mind here the Metropolitan Police Office (i.e. the small headquarters organisation) rather than the force as a whole.

an inferior position was that the Home Office would lose all control.⁵⁵

The exchanges of 1921-3

No change was made. On the other hand, although Pennefather went on after Monro's short stay to enjoy a perfectly harmonious relationship with his longer serving successor, Bradford, which included the successful completion of rehousing the headquarters of the force in "New" Scotland Yard, the potentiality for friction was not eliminated. Describing his first encounter in 1918 with the then Receiver (Tripp), Macready was not impressed:

The civil servant who held this appointment on my arrival informed me at our first meeting that he was my colleague and not my subordinate. I told him I was sorry it was so, because had he been my subordinate I should have been more considerate in my dealings with him. This gentleman had been many years in the post, and soon afterwards was replaced by an old friend of mine, Mr J.F. Moylan, C.B., C.B.E., who had been with me in the South Wales coal strike.⁵⁶

Macready's successor, however, made the nature of the relationship more of an issue: Moylan, after all, was no protégé of his. In 1921, Horwood (now Commissioner) objected to the fact that the Receiver was invited by the Home Office to comment on the Commissioner's proposals where they were thought to

⁵⁵ HO 347/XII, memorandum of 4 December, 1888.

⁵⁶ Macready, *op. cit.*, pp. 315-6. The inference the reader is offered to draw is that Macready got rid of him. On the other hand, the *Police Review* (10 January, 1919) mentioned ill health. Tripp had 40 years' service by 1918 and therefore retired on maximum pension. Nonetheless, such facts perhaps merely facilitated Tripp's removal in a situation where the Home Secretary would have been reluctant to disoblige the very man drafted in to save a politically parlous situation. By the time Macready's memoirs were published Tripp was dead. A strange victory.

have financial implications. He revisited all the old arguments (immediately recollected by Home Office officials as identical with those used in Warren's time), pressed for an inquiry, and claimed that the Receiver should become an Assistant Commissioner i.e. his subordinate.⁵⁷ The Permanent Under-Secretary, Troup, observed:

All Commissioners (except Sir Edward Bradford) have disliked the financial control of the Home Office as advised by the Receiver – just as the military side of the War Office blaspheme at the mention of the Accounting Officer, and most Government Departments think they could do much better without the Treasury. I do not think, however, that the H.O. could exercise any check or control over Metropolitan Police expenditure if we had not the Receiver as an independent adviser. It is from him that in most cases we get the facts – which as a rule are not given, or given imperfectly, in the Commissioner's letters.⁵⁸

The Home Secretary (Shortt) did not accept Troup's advice that an inquiry should, in effect, be declined, and an approach was made to the Treasury for a suitable person to conduct an inquiry – omitting, as the Receiver pointed out, the inclusion of anyone to represent the ratepayer interest which furnished half the force's cost. Troup did not, however, miss out in his letter to the Treasury that resort to legislation would be controversial "as it would give the London County Council and the Metropolitan Boroughs an opportunity of claiming that they should exercise

⁵⁷ HO 45/11222/416057, letters of 25 February and 9 June, 1921 – in which Horwood also blamed the police strike of 1918 on "the obstruction and unsympathetic attitude of the then Receiver", a rewriting of history interesting for what it seems to disclose of the state of mind in the Commissioner's office.

⁵⁸ HO 45/1222/416507, Troup to Home Secretary 13 June, 1921.

control over Metropolitan Police expenditure, one half of which falls on the rates.”⁵⁹

This was, of course, an attempt to rule out legislation on the grounds that it could result in municipal control, and it was axiomatic that that – then - was not desired.

Troup effectively assigned to the Receiver the responsibility for putting the case for the status quo. The resulting memorandum adduced new and old arguments, as well as finding a tactful way of pointing out that the Commissioner’s avowed concern with economy of administration (that is, to end duplication) masked in fact a wish to be freed from restraint. The new arguments rested on contemporary attempts to improve financial controls within the civil service. Far from the Receiver being an anomaly, the Commissioner’s proposal

runs counter to recent measures in the civil service for strengthening financial checks and increasing the independence of financial officers. An independent finance and accounting branch distinct from the spending and administration branches and responsible to the Minister alone has been established in most important offices.

The old arguments were summarised:

If the Home Office cease to have the Receiver as a financial outpost or watchdog of their own in Scotland Yard, they will have to create a new officer inside the Home Office, whose position will not nearly be so effective as that of the Receiver who can obtain

⁵⁹ HO 45/11222/416057/3, Troup to Fisher 5 August, 1921. (This might not have cut much ice with Fisher who in his time referred dismissively both to Troup and the Home Office at large – see O’Halpin, E., *Head of the Civil Service: A Study of Sir Warren Fisher*, Routledge, 1989. pp. 72-73.)

information and judge proposals in a way that an officer sitting in the Home Office could never do.⁶⁰

Although Anderson replaced Troup a few months later, the latter felt so strongly about the issues that he sought to influence matters after retirement in March 1922: "I am quite convinced that it is only the independent position of the Receiver that has enabled the Home Office to exercise any control over Metropolitan Police expenditure."⁶¹

Anderson, new to the Home Office, did not carry his predecessor's baggage and was perfectly prepared to see if some accommodation could be reached. In correspondence over the next 18 months, Anderson explored the room for compromise, giving a fair wind – to the Receiver's dismay – to the Treasury officer's recommendation that supply in its entirety should become the Commissioner's responsibility. In the end it was the Commissioner's intransigence that defeated his own cause, and – without making any formal changes - Anderson in effect told the parties to co-operate sensibly.⁶²

⁶⁰ HO 45/11222/416057/4 memorandum Moylan to Troup, 4 October, 1921. Moylan argued that his own and the Commissioner's separate registries could not be combined to save money because that meant the Receiver would be unable to give confidential advice to the Home Office. Nor could the Receiver become the Commissioner's accounting officer without a change in the law since section 12 of the 1829 Act required the Commissioner to certify the weekly pay sheets.

⁶¹ HO 45/11222/416057/5, Troup to Scott 13 March, 1922. Troup continued to fight this corner. See Troup, E., "Police Administration, Local and National", *Police Journal*, Vol.1, 1928, pp. 5-18.

⁶² HO 45/11222/416057/8, Anderson to Horwood 25 July, 1923.

The developments reviewed

Personalities were clearly important in the tiffs that occurred. Henderson was up against it in the 1870s and felt he was more confined in the job than he had been in others. Warren was clearly headstrong and something of a bully. On the other hand, he not unnaturally conceived that he had been placed in an operational role, and sought to act accordingly. The restraints of the law and financial control in England as opposed to during active service abroad were irksome and in the end, of course, he was not obliged to endure them since he could always, as he did, return to military duty. Horwood shared the natural ambition of military men to be in charge of their own house, even if he was hardly a very subtle performer, and seems to have been egged on by a member of his staff, Colonel Partridge, to reopen issues thought resolved.⁶³

Nor were Receivers perfect. Drummond's dark character seems to have made him awkward and inflexible.⁶⁴ Family connection had got him his post and that, in his time, did not require humility. Pennefather was apt to stand on his dignity: one of his first official acts as Receiver was to petition for permission to wear civil uniform; he was careful to list what he clearly thought was a notable lineage in his *Who's*

⁶³ HO 45/11222/416057/8, for a Home Office official's comment in a note of 20 July 1923: "He seems to agree verbally and then follows up with a memorandum in a contrary sense drafted by Partridge."

⁶⁴ Even the bland Lady St Helier seems to have been at a loss to characterise him succinctly when she described him as "a curious, interesting, wild-looking person, very able and very original." – St Helier, *Memories of Fifty Years*, Arnold, 1909, p. 161.

Who entry presumably as a bid for reflected glory; and he even complained to the Home Office at one stage that they were second guessing *his* recommendations.⁶⁵ Lushington was thought by one - admittedly hostile - contemporary to prefer to apply blisters rather than plasters in any situation.⁶⁶ Troup and Moylan became the defenders of what had become by their time a settled orthodoxy about the Receiver's function. It would also be naive not to imagine that Home Office officials were in part motivated by a wish to preserve their grip on the succession to a well paid and enjoyable post.

More can, of course, be hazarded about the role of Home Office officials. Sean McConville has advanced the thesis that the growing collegial character of the senior officials in the Home Office towards the end of the nineteenth century in a situation where they operated with the delegated authority of the Home Secretary led to their eclipsing the authority of the head of the Prison Commission, Du Cane:

The small group of clerks who acted in the Home Secretary's name shared the social ties of the work-group, with its instinct to unite in the face of an outside challenge. Organisational logic decreed that in any conflict with the Prison Commission the clerks, as the ears, eyes and doorkeepers of the Secretary of State, would almost certainly prevail...In this, the

⁶⁵ MEPO 5/307, letters Pennefather to Digby, 6 November, 1901, and Digby's reply of 14 November 1901.

⁶⁶ Anderson, R., *The Lighter Side of My Official Life*, Hodder, 1910, p.130. Also p. 131-"With his many excellent qualities Godfrey Lushington's intervention and influence were generally provocative, and his manner was irritating." In turn, Anderson's comments - originally in a series of articles in *Blackwood's Magazine* and at a time when Lushington was safely dead - were described as spiteful and offensive by the Home Secretary, Churchill, in the debate they occasioned following the fury they provoked amongst Irish MPs because of what the articles purported also to reveal about events at the time of the Pamell tribunal in the late 1880s. See Hansard, Commons, 21 April, 1910, cols. 2355-2360.

prisons were not remarkable or unusual: their story was one of many episodes in the growth of central government in Britain.⁶⁷

The points about collegial behaviour are obviously well taken. This can be observed especially in the greater closeness between the Receiver and Home Office officials from Pennefather onwards. They felt, perhaps, that they were of the same flesh. How much closer must this feeling have been when in Moylan (and his successors) there was an even closer shared background of education, clerkly experience, and status. It was significant, for example, that Troup could assume automatically that Moylan would voice the "right" arguments in favour of the form of Home Office control that had evolved when it was challenged by Horwood.

On the other hand, the model of what occurred in respect of the Prison Commission does not seem to apply in every respect to the Metropolitan police. No-one challenged the operational authority and autonomy of the Commissioner as Du Cane's authority (or, rather, his *interpretation* of his authority) was challenged. The situations were not the same. Police actions were directly subject to the oversight of the courts: persons arrested had to be charged or released, and if not released had to be brought before the courts. In comparison with the prison service, the police operated in a relatively open environment, and the Home Secretary's accountability was only indirectly operational. (There were problems about how that accountability should function in the case of complaints against the police, and that is the subject of Chapter 5 below.) But in the case of prisons the

⁶⁷ McConville, S., *op.cit.*, pp. 524 and 528.

Home Secretary was responsible and accountable for operations as well as funding.

Outside London it was clear that the Home Secretary was part of a loosely articulated tripartite system of responsibility with chief constables and police authorities, and a system, moreover, where he retained considerable freedom of manoeuvre. Inside London, and in the absence of a local police authority, the roles were distributed differently: the Home Secretary was police authority as well as the minister responsible to Parliament for policing in general. The "shortage of agency" which had led to the invention of the Receiver meant that, since he was closer to the Commissioner than the Home Office itself let alone the Home Secretary could be, the office became a surrogate police authority, at first implicitly and then gradually with greater explicitness as the roles became more exactly identified and expressed. Personality was, of course, as important then as now. But it did not determine function: it merely influenced behaviour. Significantly, the two Commissioners who had had high level government experience – Bradford and Henry – never came into conflict with the Receiver's functions but, rather, found ways of working with them.⁶⁸

Behind everything from the late nineteenth century was another important factor

⁶⁸ There is, of course, a sense in which no organisational structure, whatever its formal deficiencies, cannot be *made* to work. It is true, too, on the other hand that Bradford experienced some *initial* difficulty in getting on with Lushington and Matthews rather than the Receiver. See Johnson, N. E., *op. cit.*, p.776, and Buckle, G.E., *op.cit.*, p. 623 for discussions between ministers about Bradford and the Prime Ministers' interview with the Queen.

urged by officials. This was that legislation to address the constitutional balance of the 1829 settlement was not going to be welcomed by Home Secretaries, regardless of political persuasion. The reason was that, after 1888, it would have meant risking the whole question of London County Council (LCC) control since it would have been possible to amend any Bill introduced on the subject. That was why in 1922-3 Anderson was prepared to consider almost any readjustment of roles between the Commissioner and Receiver short of legislation. But there had always been a predisposition against further legislation which antedated the LCC. The 1829 Act had been brought to life in very special circumstances, and, short of a deliberate decision on the part of government to concede the position the Act had created, there was a great reluctance to attempt to revisit the settlement. And in fact it was revisited only in such circumstances in the Greater London Authority Act 1999.

Finally, however, the conflicts that occurred showed not only the struggles and rivalries of strong-minded men but also the fact that the very absence of any settled view of their relationships was itself at the root of the conflict. The only model available to Peel in 1829 was that of the Police Offices and their small forces. Whilst this sufficed for the early years, the force itself outgrew these institutions, and the struggles signify the ways in which those institutions were gradually reinterpreted. Although it may now seem difficult to understand the viewpoint, throughout the period the Metropolitan police was regarded quite explicitly as a *sub-department* of the Home Office. This was asserted in such

formal statements as successive editions of *Powers and Duties of the Principal Secretary of State for the Home Department* and in the printed Home Office Lists which included the Commissioners, Assistant Commissioners, Receivers and the clerks of both alongside Home Office officials.⁶⁹ What required reinterpretation was how exactly the relationship was to operate as the force and its income grew.

The Receiver came to occupy a place at the centre of the relationship in ways not originally anticipated, and that was why the post was in the end captured by Home Office officials.⁷⁰ Their presence ministered to a queasy Home Office realisation (at least at official level) that its sub-department was always in danger of getting out of control. The Home Office relied on *persons* because it possessed few *techniques* (for example, project appraisal systems) for obtaining recalcitrant Commissioner compliance, especially when Commissioners became major public figures and could always go over the head of officials to the Home Secretary. Such techniques as it had depended on requiring Commissioners to submit expenditure proposals, including of a trivial kind, to underline their ultimate dependence. Many of the exchanges were entirely formal and automatic. But their merits were not the point:

⁶⁹ See also Pellew, *op. cit.*, pp. 48–49.

⁷⁰ It was also why, incidentally, it was thrown open to outside recruitment in the 1990s when there had in effect been a decision to relinquish the Home Office role as police authority for London, and techniques of central government control over local, including police, expenditure had become more comprehensive. The successful applicant, and the last Receiver, came from the then Department of the Environment, the Whitehall department responsible for the control of local government finance.

rather, it was that they were to be insisted upon at times almost for their own sake.⁷¹ To say, as Lushington maintained in 1888 (see above), that Treasury forbearance depended on the existence of the Receiver who was a *Home Office* official, was to rewrite history. On the other hand, a new theology was necessary to give continuing life to the ancient, limited and - it was thought – unalterable scripture of the 1829 Act.

⁷¹ The issue was debated from time to time. For example, Mayne tried to simplify references in 1848/9 (HO 45/9473/A48043B) and even the Receiver took initiatives in 1884/5 (HO 45/9643/A35638). However, although Lushington expressed sympathy for the latter, both it and an initiative within the Home Office in 1896 came to nothing because the form was preferred in the end to the substance.

CHAPTER 4

FUNDING THE FORCE

This chapter examines how the force was financed. It will show how initial subterfuge and dissimulation in 1829 became unsustainable; how the ensuing adjustment prefigured the larger central/local partnership established from 1856; how government control in London fostered low-visibility, low profile spending policies partly because it lacked municipal and electoral legitimacy; and how unsophisticated funding practices persisted beyond initial attempts to address them. Control by the executive meant a certain nery authoritarianism which yielded more in the end to police pressure than it conceded to municipal control since the former pressed more effectively than the latter.

Summary of developments to 1860

By 1860, the position was as follows. Except for the salaries of the Commissioners and the Receiver together with some other small contributions paid out of the Consolidated Fund, what had started as an entirely rate borne service statutorily limited to maximum expenditure equal to a rate of 8d in the pound had, since an Act of 1833 (3&4 Wm. IV c.89), benefited from annual Treasury contributions explicitly in support of the local rate. Between 1833 and 1857 these contributions had been capped at £60,000 per annum (worth roughly a 2d rate i.e. 25% of the total) and conditional on the Receiver being able to demonstrate each quarter that the parochial share of 6d in the pound had been realised. In 1857 the regime

introduced under the 1856 Act (19&20 Vict. c. xx) which created provincial compulsion for policing with a state subvention of one quarter of local costs, was applied equally to the Metropolitan force the following year in the Metropolitan Police Act 1857 (20&21 Vict. c.64).

The sinews of funding: dependence on the rates

Collecting the rate was no easy or smooth process, and the ultimate sanction for much of the period consisted of taking personal proceedings against overseers whose returns had fallen short. In the years immediately following the 1829 Act, there were many ratepayer complaints about the cost, and petitions were presented to Parliament both on that point and coupled with demands that some form of local control of policing should be returned. So far as possible, the government encouraged the Commissioners to obfuscate the issues by deliberately creating a divisional organisation that cut across parochial boundaries, and publicly justifying the situation where equal rates did not lead to equal deployment.¹ There was also actual parochial resistance to the rate both by attempting to falsify valuations (against which eventuality section 28 of the 1829 Act provided strong inspection powers) and refusal,

¹ Mayne defended such outcomes throughout his term. In 1853, he replied to complaints from St James's: "In some measure the richer Parishes contribute towards the Police of the poorer, whilst in return the rich Parishes have the benefit of the increased protection given to the person and property within them, by the observation kept by the Police on the criminal and disorderly characters in all parts of the District. (Letter of 15 August, 1853, on HO 45/4620.) Similarly, he maintained that position to Parliament in 1863: "The number of Police actually on duty at any particular place gives a very imperfect and erroneous notion of the protection of the place by the Police. The advantages of a combined system of Police are to be estimated by the efficiency of the Police at all places from which the criminals may come to perpetrate crime at any other place." Return printed 30 June, 1863, *Metropolitan Police (Finsbury)*, PP 1863, Vol. L. Speaking in 1868, his rationalization was that Divisions could not be made coterminous with local authority areas because the sizes of the latter were too various. See 1868 Report, Evidence, p. 4.

delay or in some cases real difficulty in paying.²

The need for working balances in the case of a weekly paid force meant that shortfalls could not be carried and there was relatively early recourse to Treasury interest free loans to fund cash flow. When in 1832 Marylebone refused to pay over the final instalment of the rate and tried to encourage other parishes to act likewise, the Receiver sought and obtained a loan of £5000, though the Treasury reminded the Home Office that an earlier loan of £10,000 from February 1830 advanced purely for cash flow reasons remained outstanding. They had to remind the Home Office again three months later that it had not been repaid, at which point, following a stiff Home Office letter, the Receiver returned £5000 to the Treasury.³

Although it became preoccupied with the question of Parliamentary reform, it is known that there was also a discussion about policing policy within the Whig government that came into office in November 1830. Indeed, the King's Speech at the beginning of the 1831 Session said that it was intended to reform

² See HO 61/2 for correspondence in Autumn 1830, especially Wray's letters of 20 September, 1830, requesting a Treasury loan and of 14 October, 1830, welcoming the prospect of payment by instalment as opposed to irregular payments but advising that rate warrants should issue six monthly in order to reduce agitation.

³ HO61/7, letters of 10 and 13 October, 1832, and 10 and 23 January, 1833.

municipal policing in the light of the disturbances in Bristol and elsewhere.⁴ In an earlier debate in June 1830, London MPs had voiced the complaints of constituents about swingeing increases in police rates, in one case allegedly from £5000 a year to £17,000. Such complaints continued into 1832 and 1833.⁵ In the absence of evident action by the government following the undertaking in the King's Speech, Grey and his ministers were pursued about just what their plans were. Peel raised the matter at least four times in the Commons from December 1831 up to July 1832 when, on its becoming apparent that the government had decided not to legislate, he pressed for the appointment of a Select Committee. The Home Secretary, Melbourne, was challenged in the Lords by Lord Ellenborough in January 1832 alleging that the government had included a measure in the King's Speech about which they had not in fact made up their minds.⁶

From Melbourne's "Observations" of May 1832 on a draft policing Bill⁷, it is known that the discussion within government included consideration of what expedients might be available, and how the best course might be made palatable politically. Melbourne favoured a scheme which, like the 1829 solution in London, rested on the appointment of stipendiary magistrates in a scheme of discretionary compulsion by the government, but the results always to be funded from the rates. It is known that the question of government subvention was raised but rejected on

⁴ Hansard, Lords, 6 December, 1831, cols 1-5. See also Phillips, D. and Storch, R.D., "Whigs and Coppers: The Grey Ministry's National Police Scheme, 1832", *Historical Research*, 1994, pp. 75-90.

⁵ Hansard, Commons, 15 June, 1830, cols. 355-364. Complaints in respect of St Marylebone (24 July 1832, col. 670, and Christ Church, Surrey, on 27 March, 1833, cols. 1138-1140.

⁶ Hansard, Commons, 9 December, 1831, col. 143; 1 February, 1832, col. 1097; 7 March, 1832, col. 1234; 25 July, 1832, col. 720. Lords: 27 January, 1832, cols. 973-4.

⁷ Phillips and Storch, op.cit., pp. 87-90.

grounds of principle and practicability, for example because subsidy would be a disincentive to ratepayers paying up in full.

Once a national scheme had been rejected, however, London could be seen as a limited and discrete problem. It seems that this led Melbourne to consider what were the options should it be decided not to insist on using the rates alone to provide the statutory maximum expenditure of 8d in the pound. In March 1833, for example, the Receiver laid out some of the options to the Home Office against a background where the parishes were seeking to lower valuations in order to avoid the full incidence of police rate.⁸ A rate of 2d in the pound raised about £51,500 and annual expenditure ran at £206,000. A reduction to 6d in the pound would leave a deficiency of £60,000 though at the same time mean – according to his calculations – the parishes paying less than before 1829 and therefore remove all cause of legitimate complaint. In addition, where the statutory maximum rate was left at 8d in the pound, the incentive for the parishes to lower valuations would be removed. He concluded that the solution would be to find a permanent subvention of £60,000 a year. At the same time, however, he was anxious that no grant should be forthcoming in a way which removed incentives to pay the rates themselves.

Matters came to a head shortly afterwards in 1833. The Receiver reported that St Matthew's Parish, Bethnal Green, was in default. Under the 1829 Act, the

⁸ HO 61/8, letter of 25 March, 1833. The government in fact adopted this scheme in their August Bill – see below.

next step in theory was for the Commissioners to distrain against the overseers, and Mayne asked the Home Office to confirm whether they wanted that step taken.⁹ Shortly afterwards, on 12 May 1833, PC Robert Culley was stabbed to death at the Cold Bath Fields riot. The disorderly inquest and its perverse findings that followed, together with an awkward Select Committee examination, would have emphasized an imperative of ensuring that the force could continue to cope with the problems of public order which was in the first and the last analysis its *raison d'être*. Clearly, at that stage matters went to the political level and would have been discussed during the summer.

Right at the end of that summer's Session, a Bill was introduced in August to authorise a subsidy no greater than £60,000 a year from the Consolidated Fund with the effect of reducing the rate to 6d in the pound. Its apparently hasty introduction belied the extent to which ministers had been prepared by previous discussions for the policy change. The Chancellor of the Exchequer (Althorp) explained "... the peace of the metropolis being of the utmost importance to the country at large, and the police being made available in various parts of the country, as well as in the metropolis, he thought it not unfair that a small proportion of the expense should be borne by the country at large."¹⁰ There was some resistance to an exclusively metropolitan subsidy – one MP remarked that one might as well get the Northern counties to pay towards Manchester and Liverpool. Other MPs, however, likened the police to the Guards or regarded

⁹ HO 61/8, letter of 16 April, 1833.

¹⁰ Hansard, Commons, 8 August, 1833, col. 438.

the police as a national force which should therefore be paid for by the nation at large. Althorp's Financial Secretary, Spring-Rice, made the point that the proposal was preceded in the financial arrangements for the Irish Constabulary, a rather different case but, interestingly, one thought by Ministers to be relevant and indicative therefore of the government's preoccupation with public order. The House was divided; the government prevailed 49:19; and the Bill became law on 28 August.

Just as they perhaps had tipped the balance in 1829, it was more evidently on this occasion the public order considerations which were decisive. If the government wished to perpetuate control by the executive in London, they were going to have to pay for it.¹¹ Even though an attempt was made to dress it up as a beneficent gesture, no-one seems to have been deceived at the time. For example, the *Times* reported a "numerous and highly respectable meeting of the vestrymen" of St George's Parish where one speaker - with perhaps a degree of conspiracy paranoia - referred to the subsidy: "This was a mere trick; £60,000 had been drawn from the consolidated fund to give it the character of a national police, and shut out the people, if possible, from any voice in the matter."¹² It was also evident that the

¹¹ 80 years later, the Home Office in its evidence to the Committee on Local Taxation offered a rather different explanation: "Beyond the words ..[in]..the preamble to the Act, there is nothing to indicate the reason for the grant, but it has been generally taken that it was conceded on the ground of the services of the Metropolitan Police to the Government." Memorandum of April 1912 in *Report of the Departmental Committee on Local Taxation*, Cd 7315, 1914. This could only mean that the history had not in fact been researched. It is also very likely that the Home Office preferred an explanation apt to protect the philosophy upon which the "Imperial" contribution of the 1909 Act - see below - was based.

¹² *Times*, 10 October, 1833, p. 3.

subsidy did not entirely remove complaints about the cost of the force.¹³ What it certainly did do, however, was make the arrangement easier to defend.

At the same time, the government was careful to ensure - as the Receiver had advised - that the form of subsidy preserved incentives rather than removed them. Thus, the 1833 Act had not only recognised the extent of local burdens at a time when there was no London equalization scheme (one was not created until 1894) but was also careful to cast the manner of giving help in a form which gave an incentive to parishes to pay up their share in full. The Receiver had to precept on a large number of local authorities of varying size and sophistication who were resistant to revaluation at a time of rapid urban growth but whose effects - more houses, more people, more traffic - were felt immediately by the police.

The *national* significance of the 1833 Act seems to have been overlooked by historians.¹⁴ In Great Britain a case may be made for viewing it as the first occasion on which what had hitherto been regarded as a local responsibility was subsidized from general taxation.¹⁵ Whilst other examples followed in the criminal justice area from 1835 in respect of prosecution and prisoner costs and they are pointed out –

¹³ See *Times* account of St James's meeting on 24 October, 1833.

¹⁴ For example, the truncated account of the genesis of the Act in Palmer, S., op., cit., p. 308. Henry Parris, on the other hand, noted Althorp's subsequent assertion of the principle to Melbourne in September 1833 but without apparently being aware that it had been implemented. (Althorp was aware that a precedent had been established and it was only the shortage of funds that he considered restrained expenditure of which he approved in a situation where the government was, he thought, too often constrained in targeting subjects for optimum return.) See Parris, H., *Constitutional Bureaucracy*, Allen and Unwin, 1969, p. 206, quoting a letter from Althorp to Melbourne on 30 September, 1833.

¹⁵ It has been claimed that the government made a contribution to the cost of the Metropolitan police from 1829, but that is incorrect – see Smellie, K.B., *A History of English Local Government*, Allen and Unwin, 1957, p. 54.

rightly – as the first *national* subsidies,¹⁶ 1833 saw the original step change. In the criminal justice area at least, 1833 can in retrospect be identified as the moment at which the hitherto more limited post-Hanoverian state took a decisive step to insist on a centrally defined standard of performance. It sought to maintain its influence and at the same time buy off local resistance. Thereafter, national and local finance became intertwined and the latter became increasingly dependent on the former. This signified both a change in the Executive's conception of its role and fed new expectations of what that role should aim to achieve. Whereas formerly the state's principal functions were seen to rest in the conduct of foreign affairs, the maintenance of the currency and public credit, and last resort preserver of public order, this small, artfully constructed piece of legislation saw the Executive accepting a wider responsibility: "For the next 30 years, police and the administration of justice were the main grant-aided services."¹⁷

It did not, of course, immediately lead to extending similar funding regimes to other towns or to counties. Neither the Municipal Corporations Act 1835 which required the formation of police forces in towns or the 1839 Act which permitted their establishment in counties conceded any element of central funding. That had, however, to be conceded as the price of compulsion in the Act of 1856.

¹⁶ "The first substantial government grants to local authorities originated in a calculation that the cost of providing public services from which all benefited incalculablycould not equitably be the unaided responsibility of a comparatively small section of society, in that instance the owners of real property." Baugh, G.C., "Government grants in aid of the rates in England and Wales 1889-1990", *Historical Research*, 1992, p. 216.

¹⁷ Foster, C.D., Jackman, R.A., Perlman, M., *Local Government Finance in a Unitary State*, Allen and Unwin, 1980, p. 173.

Looking back we can now understand where this change of funding policy led: the need for local funding for expanded services to be based on new resources of national taxation and the consequent erosion of local autonomy. In their own way, the Metropolitan parishes understood the drift well enough. However, in 1833, the more developed effects of such changes were still a long way off, and rates remained until the First World War the most important taxes on personal wealth.¹⁸

Maximising the rate

It was the latter fact that made Receivers and the Home Office especially vigilant over the rating base. To ensure a more exact correspondence between the growth of demand for policing in the expanding city and the taxation base, section 11 of the Metropolitan Police Act 1857 permitted annual revaluations for the purpose of police rating as opposed to remaining dependent on the normal quinquennial reviews; and section 12 therefore empowered the Receiver to require overseers to make returns of every new house and building erected in the previous twelve months. The process was subject to inspection by the Receiver, and made neglectful overseers liable to conviction and fines.

The effects of the Act may be seen in a Parliamentary Return of 1863. This required information for each of the 210 parishes in terms of increased valuations since the last county revaluation and the consequences in terms of increases in police rate and Consolidated Fund contributions.¹⁹ What it demonstrated were a

¹⁸ Ibid, p. 160. As late as 1913/14, rates raised £82 million and income tax only £44 million.

¹⁹ PP 1863, Vol. L, *Metropolitan Rates*, Return to an Address dated 22 June, 1863.

number of substantial growths in rateable value (for example, in Poplar, Bromley, Kensington, Ham and Paddington) which would not ordinarily have been captured for police rate purposes within quinquennia. But more important in aggregate was the effect of accessing regular incremental growth in police rate value across the whole metropolis. At a time when London was still growing rapidly, the Act ensured that the Metropolitan police's finances were hotwired directly into that growth.

Throughout the period there was no atom of local influence, let alone control, over how the force was managed, and this naturally continued to be a source of local grievance, if still within a system that could hardly be described as democratic. This discontent in turn led to government being reluctant to venture on expenditure which could be seen as leading to rate increases lest government control became seriously challenged in Parliament. In the 1860s, police expenditure was a very visible part of total local London taxation, for example 10% of the total in 1863/4 and slightly ahead of the Metropolitan Board of Works, and over 12% in 1867/8 and 1873/4. Later, as new forms of local expenditure (especially on education) developed, the overall proportion fell, though even in 1899/1900 it was as much as 6% of a very much larger total for London. In other words, far from encouraging profligacy, direct government control led - perversely it might now seem - to caution and parsimony.

In turn, this trend has to be understood in a context where public finance was regarded in a quite different way from the dominant welfarism of today. The connexion between parsimony and legitimacy has already been noted in Chapter 1 in assessing the impact of Economical Reform. But those changes need also to be understood in the context of larger transformations of the character of the British state. It has been pointed out that the sharp fall in public expenditure from the very high levels of the Napoleonic wars – a reduction of 25% in real terms in the two decades after Waterloo – may be understood as representing the transition from the “fiscal-military” state of the eighteenth century to the very different kind of state that followed. Per capita spending fell from a high of £4.86 in 1811 to slightly under £2 in 1841 and to £2 in 1851.²⁰ Another way of explaining the change is that there were no bids for the money no longer needed for an enormous defence effort. Central government did not have the apparatus, or local government the will or competence, to take on the kind of welfare expenditure that might have been analogous to the high levels of state spending sustained after 1945: “There was no effective or politically acceptable way of using the higher levels of taxation accepted during the [Napoleonic] wars for peaceful purposes.”²¹

The Taylor thesis

In a series of three articles, Howard Taylor has offered an alternative reading of these issues. Arguing principally from the available statistics of crime, he has maintained that from at least the 1850s supply was deliberately manipulated by the

²⁰ Harling, P. and Mandler, P., “From ‘Fiscal-Military State to Laissez- faire State, 1760-1850”, *Journal of British Studies*, January 1993, pp. 44-70.

²¹ Foster, Jackman and Perlman. *op. cit.*, p. 82.

executive and its agencies to control the outputs of the criminal justice system and thus hide the true incidence of crime²². As he put it in his *Economic History Review* article "the crime statistics largely reflected supply side policies." If true, what appears as politically sanctioned parsimony becomes in fact something altogether different.

Although Howard Taylor's approach has usefully challenged some traditional assumptions, it has been argued in reply that not only was it beyond the resources of the state to encompass what was alleged but also that there are adequate alternative explanations for the phenomena observed.²³ Although the work of Professor Daunton²⁴ was not available at the time of the discussion, it offers further refutation in the form of a convincing policy framework for explaining why Metropolitan police funding practices and criminal justice expenditure generally took the form that they did. Moreover, as discussed below under "The Daunton thesis", the analysis also helps to explain the *change* in funding practices that occurred at the turn of the nineteenth century whereas the Taylor thesis, which assumes a constant practice, does not. Indeed, it could be maintained that the Taylor thesis mistakes an effect (parsimony) for the cause of

²² Taylor, H., "Rationing Crime: the political economy of the criminal statistics since the 1850s", *Economic History Review*, 1998, pp. 569-590; "The politics of the rising crime statistics of England and Wales, 1914-1960", *Crime, Histoire et Sociétés/Crime, History and Society* 1998, pp. 5-28; "Forging the job", *British Journal of Criminology*, 1999, pp. 113-135.

²³ Morris, R.M., "'Lies, damned lies and criminal statistics': Reinterpreting the criminal statistics in England and Wales", *Crime, Histoire et Sociétés/Crime, History and Society*, 2001, pp. 111-127.

²⁴ Daunton, M, *Trusting Leviathan: The Politics of Taxation in Britain, 1799-1914*, Cambridge University Press, Cambridge, 2001.

financial policies much more deeply rooted in contemporary political processes than the thesis allows.

The effects of financial policy

What did all this mean for Metropolitan police financial practice? First, there were no borrowings and nothing in the way of a funded capital programme. All capital expenditure was financed directly from income. It followed that the force's headquarters remained no more than a series of indifferently appointed rooms in Whitehall Place. There was no training school or other central facilities. The stations were an agglomeration of old watch sites and hirings on often relatively short leases. Although adapted for police use, none was built specifically for police purposes until 1846 and then on a rudimentary basis.²⁵ Married quarters and accommodation for single men were scattered adventitiously across this random estate. Although it would be anachronistic to be dismissive of accommodation that was unlikely often to have fallen below customary standards of the day, the financial point was that all had been acquired from, and was paid out of, current monies. The result was that, because the current costs were not spread over and paid for during a longer period, the past ratepayer paid for what his successors enjoyed.

²⁵ "...such stations as were erected in the first fifty years were usually rather mean and incommodious structures of the cheapest yellow brick." Moylan, op. cit., p. 317. An officer who joined in 1855 mentioned that the PCs' dormitory for 40 men was over the cells – Cavanagh, T.A., *Scotland Yard Past and Present*, Chatto, 1892.

Consciousness of this effect was another inhibiting factor in addition to the instilled parsimony of the political climate. Looking back in 1889, Lushington recalled “for a long while in the history of the force building operations were stinted: stations which were required were not built, and those that were built were of inferior quality from want of funds and other reasons.”²⁶

The drawbacks of this regime were fully recognised at the time. For example, the Metropolitan Police Act 1857 included elaborate provisions enabling the Receiver to raise loans for building police stations and for obtaining advances from the Public Works Loan Commissioners. In practice, however, these provisions were never used and the Act is more significant in retrospect for what it did in connexion with pensions - a separate but extremely important and influential strand in the development of police financing. Indeed, although capital expenditure rose from a low of £4774 in 1857 to £10,559 in 1858, it returned to customary levels of between £7500 and £8500 in 1859 and 1860 - the rate which had in practice obtained, of course, over the two years 1857-8. The deficiency on pensions, however, rose from £24,000 in 1857 to nearly £40,000 in 1860 and kept on rising thereafter.

In addition, the 1857 Bill proceedings, like those in the case of the 1833 Act, are instructive of the legislature’s performance. The First and Second Readings of the Bill on 6 and 7 July were alike purely formal. At the Third Reading deferred

²⁶ MEPO 5/281, memorandum of 16 February, 1889.

on 7 August, an MP objected in the early hours (it was 3 a.m.) that the House was still to receive any explanation of what the Bill was for.²⁷ Massey, the Home Office Parliamentary Under Secretary, thereupon offered a perfunctory summary:

Mr Massey said, it was a mere departmental Bill to give powers to borrow money for building stations; and a portion of the Bill was to put a portion of the expense of the police, so far as it was used for general rather than mere metropolitan purposes, on the Consolidated Fund. A contribution of £60,000 had hitherto been made from the Consolidated Fund, but the present Bill was to put an additional proportion not exceeding one fourth of these expenses on the Consolidated Fund. A third power was to give power to lay rates on suburban properties as an equivalent for the protection they enjoyed, and provisions to make up the deficiency in the supplementary [sic] fund.²⁸

There was no further debate in the Commons and none at all in the Lords before Royal Assent on 25 August. It was simply one of the Bills that the government had rushed through at the end of the session. Its merits were at no time debated, and the implications of the throwaway line about the supplementary fund's deficiency (the superannuation fund was in fact meant) seems to have been entirely unnoticed by a legislature which, in theory, could exercise detailed control over the Metropolitan police not only by calling the Home Secretary to account but also by the need for all changes in the funding and senior structures of the force to require primary legislation.

²⁷ Hansard, Commons, 7 August, 1857, cols. 1207-8. The objector was Acton Ayrton, MP for Tower Hamlets 1857-74. He developed a considerable interest in the reform of London government. See Appendix C for biographical note.

²⁸ Ibid, col.1208.

Although the 1857 Act gave borrowing powers (up to £60,000 and for a limited period of 30 years) to the Receiver for the first time, they were not used. One of the difficulties the Act had to circumvent was that, until the office of Receiver was given a continuous legal personality in 1861, there could have been a reluctance both on his part and that of lenders to enter into agreements which depended on his *personal* position. That was because his responsibilities remained personal to the occupant of the office itself. An untimely demise was not an unlikely possibility since, in 1857, Wray was already 75 years of age. The Act dealt with this by simply guaranteeing that loans would be backed by the police rate.

Whilst at first blush it might seem that it could have been the indolence of Wray's successor – not apparently the most energetic or resourceful of men – that led to inaction, the fact is that the 1857 Act's success in improving police rate outcomes meant that there was not thought to be any pressing case for borrowing.²⁹ The result was that funding continued for all purposes to be found from current expenditure for nearly another 30 years.

Interestingly, one of the provisions of the Act was a clause which directed that the overseers should pay the police rate directly to the Receiver's account at

²⁹ "In 1860, on the suggestion of Mr Golden the Chief Clerk of the Department, I adopted, for the first time, the practice of revising the Police Rental annually...looking at the elasticity of our income ...I believe that the Money will be forthcoming to meet the outlay for new Stations, without resorting to the borrowing powers of the Act of Parliament." HO 45/7051/7, Drummond to Home Office 25 February, 1864. In the same letter, Drummond calculated that the resulting net addition to rateable value as a result of action under the 1857 Act amounted to £154,510.17.6d.

the Bank of England. Formerly, the rate had to be paid to the Receiver who was then obliged to pay it in to the Bank. It will be recalled that Wray's failure to deposit sums received straight into the Bank of England account had been one of the reasons he had been harried in the 1840s by the Home Secretary (Graham). Wray's excuse had been that he received the money often in dribs and drabs via sometimes illiterate carters sent by overseers carrying the money in coins. That was why he had developed the habit of depositing the monies at least temporarily in an unauthorized, private account with Drummonds Bank on the corner of Whitehall and Trafalgar Square, from which also it was convenient to draw pay for distribution by the Superintendents in the exact cash quantities required.³⁰ For Wray not only was it convenient but perhaps also, although the possibility is not mentioned in contemporary papers, not without personal financial advantage.

Pensions

The question of police pensions during the nineteenth century is usually presented as a saga where a niggardly discretionary system which held the service in thrall was eventually and triumphantly transformed after heroic campaigning into a rights system within which the service was freed from the whims of oppressive chief officers and police authorities. There is, of course, some truth in that perspective, although it does not represent by any means the whole story. For one thing, the perspective fails to address the fact that serious funding problems had to be faced.

³⁰ See Wray's letter of 19 October, 1846, and Anderson's report of 25 April, 1843, on HO 45/109.

Whereas section 12 of the 1829 Act had allowed vaguely for pensions, it had prescribed no means. Sections 22 and 23 of the 1839 Act laid down that they should be funded from pay deductions of not more than 2.5%, together with assistance from a miscellany of other sources such as sickness stoppages, the product of magisterial fines for drunkenness and assaults on the police, and monies from the sale of worn or cast police clothing. The pensions themselves were on a sliding scale: 50% for 15-20 years service, and 66% thereafter, provided in all cases under the age of 60 the Commissioner certified that the officer was “incapable from infirmity of mind or body to discharge the duties of his office”.

As the force grew and aged, demand upon the Superannuation Fund also grew. The “infirmity” rule became routinised into permitting officers to go on pension at 15 years. The fund fell into deficit, and the significance of the final provision of the 1857 Act to which Massey had referred so brusquely was that it legalised the practice of defraying the deficit from the Metropolitan Police Fund itself. The deficit for 1857 was £24,366, and the cumulative deficit £127,878.³¹ The annual deficit continued to grow (it was nearly £40,000 by 1860) and the Home Secretary ordered a review undertaken by William Farr, the statistician, who reported in 1862.

³² The outcome was a less generous scale based on fiftieths rather than thirtieths

³¹ Accounts 1856, PP 1856/7, Vol. XLVII.

³² HO45 7374, “Report on the Metropolitan Police Superannuation Fund”, 31 March, 1862. “If these men were wholly worn out, and their lives cut short by the service, they would remain in the Force only a short time; but as they break down suddenly in given years, they as suddenly recover, so that their rate of mortality, though higher than that of men in the country, is lower than the mortality of men in London at the corresponding ages.”

for years of service and no guarantee of life long payment before the age of 60.

These changes contained the deficit but did not end it.

The subsequent development of police pensions owed as much to provincial as purely Metropolitan pressures and, significantly, discussion moved also into Parliament, though after much internal discussion in the Home Office with the Commissioner and the police Inspectorate.³³ There was an inconclusive Select Committee in 1875 and a later Select Committee of 1877 which recommended the general application of the Metropolitan scale.³⁴ Bills were introduced in successive years from 1881 to 1885 but made no progress.³⁵

There were two reasons for the impasse - the absence of complete agreement on the detailed content of a pension scheme, and positive disagreement about funding. It has to be recalled that, throughout the period, there was great concern about the increasing burdens put upon local taxation and, in particular, the extent to which that source funded criminal justice expenditure. The Conservative government from 1874 had come in pledged to relieve local burdens following the Parliamentary concern that had developed over the way rates had doubled during 1841-1868. It had swiftly moved (the Police Expenses Act 1874) to increase support for police expenditure from 25% to 50%; it made considerably more

³³ HO45 9333/19774, 19774D and HO45 9516/19774E for discussion including on successive Select Committee reports and the abortive Private Member Bills up to 1885.

³⁴ Reports respectively of 23 July, 1875, and 13 April, 1877 at PP 1875, Vol. XIII and PP 1877, Vol. XV.

³⁵ The full history was summarised in *Memorandum in Explanation of the Police Bill 1890*, C. 6065, June 1890.

generous and automatic contribution to prosecution costs than hitherto; and it removed local prisons entirely from local charge in 1877. What prevented police pension measures making progress was an unresolved concern about where the costs should fall between local and central finance.

So far as the Home Office was concerned, something certainly had to give. By 1889, the proportion of officers staying on to full pension was twice that of 1862. Transfer into the superannuation fund was running at the level of a 1d rate out of the maximum of the 9d then allowed. The Home Secretary appointed a committee under Lushington's chairmanship to examine Metropolitan pensions, but it sat for only two months when Monro, the Commissioner, resigned on the claimed basis that the Select Committee in 1877 and Harcourt in an 1881 speech at the Metropolitan and City Police Orphanage had promised enhanced pensions and he was unable, therefore, to contemplate anything less.³⁶ Funded schemes were by no means universally favoured. As the Town Clerk of Nottingham pointed out: in 1890, "The hoarding of money for a future generation is imposing an unfair...and a heavy burden upon the present ratepayers".³⁷

The Police (Pensions) Act of that year was widely welcomed by the police service. But, in the specifically London context, one observer pointed out that "the remarkable feature throughout the very unsatisfactory discussions on this Bill was the absence of regard for the ratepayers and the pressure put upon the

³⁶ See HO45 9698/50055. The evidence taken between 28 October and 20 December, 1889, was published as *Departmental Committee on Metropolitan Police Superannuation*, C. 6075, July 1890.

³⁷ Letter, 2 July 1890, HO45/9716/A51492.

Government to be more liberal at their expense.” The impact of enhanced pensions meant that the recent augmentation of 1000 men would require the Home Secretary to seek rate increases of 2d or 3d to meet their pension costs alone. In conclusion, it was argued that “the Government have obtained an unlimited power of rating London for police pensions; that the pensions of the police have been fixed on a most generous scale, at the cost of the ratepayers, by the imperial Parliament; and that questions of economy have not been discussed as they would have been if the management of the police had been really local, and if those who managed the police had had to find the money and pay the bill.”³⁸

Moreover, although local government had benefited under the Local Government Act 1888 from transferred revenues of just under £3 million a year into a new Local Taxation Account, the Receiver pointed out that that sum was effectively inelastic whereas police pensions which fell to be charged against the Account most certainly were not. There was, therefore, a mechanism for increasing Metropolitan Police Fund payments from the Account but none for increasing the Account itself. This was bound to become a constant irritant to local authorities because they were unable to control an important source of their expenditure.³⁹ And, indeed, the arrangement did not even please London ratepayers. Concerned about the pressure on the London rates, the London Municipal Reform Society argued in

³⁸ Farrer, T.H., “Local Finance: The Police and Their Pensions”, *Contemporary Review*, LVIII, 1890, p. 783. Thomas Farrer (1819-1899) was a former Permanent Under Secretary at the Board of Trade (1865-1886) and, at the time of writing this in a series of articles attacking Goschen’s (the Chancellor of the Exchequer’s) financial policy, was a member of the LCC. See also Appendix C for biographical note.

³⁹ HO 395/1, Estimates letter 31 January, 1891.

an 1894 pamphlet that, although London had one fifth of the nation's rateable value, it received only one tenth of the aid given by the 1888 Act.⁴⁰ As one of the early academic historians of local finance pointed out,

The extent of the victory of the rural counties in this settlement seems never to have been sufficiently grasped by politicians and commissions...It would be difficult to devise a more atrocious jumble of finance.⁴¹

The rate cap

From 1829, the maximum possible Metropolitan police expenditure had been specified by statute, and it followed that primary legislation was necessary to change it. The growth of London and, with it, the growth of the tax base gave the value of the rate a buoyant elasticity which allowed a fairly parsimonious regime to cope with ordinary growth to match the rising population. It could not cope easily, however, with uncovenanted leaps in cost. Although it managed for some years after the pension fund's insolvency had led to section 15 of the 1857 Act allowing the pensions deficit to be a direct charge on the rate, the deficit continued to rise and deplete the operating margins. When it was decided in the wake of the Clerkenwell and initial Fenian troubles not only to raise pay in 1867 but also in 1868 to augment strength by 1000 men and 120 officers amongst other things to make a weekly rest day possible, the rate cap had to be raised.

⁴⁰ Hayter, L.H., *Financial Relations between London and the Imperial Exchequer*, published for the London Municipal Reform Society, 1894.

⁴¹ Cannan, E., *The History of the Local Rates in England*, King, 1912, pp. 146 and 149.

In his speech introducing the Metropolitan Police Funds Bill which raised the maximum expenditure from the product of 8d in the pound to 9d in the pound, the Conservative Home Secretary (Gathorne Hardy) minimised the apparent extravagance: despite the increase, there would be fewer police to population than in 1830; Metropolitan officers were still paid less than City officers; there had to be adequate provision for working balances to meet the cash flow demands of pay and pensions; the pensions deficit (MPs might have understood him to say the *total* costs of pensions) stood at nearly £60,000 and was likely to rise to £100,000; and it was necessary to have extra buildings which were especially required for the married men.⁴²

There was splenetic, but ineffective, objection from two London MPs, both Radicals and the Members respectively for Tower Hamlets and Marylebone. Both took a position of principle on the arbitrary character of the rating power, a position probably reinforced in the case of the Tower Hamlets constituency at least by its relative poverty. The first of the two, Ayrton (Tower Hamlets), thought no case had been made out. The second, Harvey Lewis (Marylebone)⁴³, argued that reliance should be placed on the natural increase in rateable values:

There was no rate imposed upon the Metropolis which the ratepayers so much objected to as the police rate, because they had no control over it, and they did not know how it was applied. All they had to do with it was pay it.⁴⁴

⁴² Hansard, Commons, 29 June, 1868, cols. 343-5.

⁴³ See Appendix C for biographical note.

⁴⁴ Hansard, Commons, 29 June, 1868, cols. 347-9.

The Bill subsequently passed without further debate through all its remaining stages.

Although it was the Conservatives who had increased the rate cap, on their return in 1874 they moved swiftly to mitigate its effects for the ratepayer. The Police Expenses Act 1874 (37&38 Vict. c.58) removed the limitation on the *Treasury* contribution which had stood effectively at 25% since 1833 in London and increased it to 50% of the pay and clothing for the provincial forces. How exactly the subvention was to be calculated for the Metropolitan police was not settled until 1878 (at four ninths of the rate product) because, whilst the Treasury favoured basing their contribution on expenditure, the Home Office preferred basing it on the rate product - a different, more buoyant sum and one which avoided what would in fact have become Treasury *control* of the expenditure.⁴⁵

For the remainder of the period, successive governments took pains to ensure that further increases of the rate were avoided if possible. Thus, in 1890, to ease the cost of the increased rates of pension awarded under the Police (Pensions) Act of that year, the government introduced (by means of the Local Taxation (Customs and Excise) Act 1890) a direct Exchequer contribution to superannuation funds of £300,000, half of it going to the Metropolitan police. This not only wiped out the then deficiency (£145,770, equal to a 0.99d rate) in the superannuation fund but also helped finance the concurrent augmentation of 1000 for which, Farrer pointed

⁴⁵ *Powers and Duties of the Principal Secretary of State for the Home Department*, 1881, p. 142.

out, the Home Secretary had "had no funds until Mr Goschen [Chancellor of the Exchequer] came to his assistance with £150,000 out of the drink duties."⁴⁶

The healthier balances persisted for some years to the point of criticism, but the measured and measurable tread of pensions got closer and closer.⁴⁷ A deficiency of £12,400 in 1892, or a 0.08d rate, became £120,800 (0.68d) in 1900, and £228,300 (1.02d) in 1908. Projections showed the figures in 1910 as £275,000 and 1.19d respectively. The effect was severely to squeeze ordinary expenditure, most of which was unavoidable, and some of it (loan interest and repayment) absolutely committed. As the Receiver had foreseen, concern mounted in local authorities as their share of the Local Taxation Account became progressively diminished.⁴⁸

The situation was examined in 1909 by a committee of officials from the Home Office and Scotland Yard chaired by Byrne, the Home Office Assistant Under Secretary responsible for police matters. It was pointed out that the Metropolitan Police Fund faced an overall deficit of £105,000. The closer margins exacerbated cash flow and increased temporary borrowings from the Bank of England. In addition, the rate product was becoming less buoyant - as the urbanisation of the police district matured, the rise in the rate product slowed. The committee

⁴⁶ Farrer, op cit , p.783.

⁴⁷ And the fact that police expenditure had first call on the Local Taxation Account, the Receiver pointed out, was not necessarily good news politically. Because there was no mechanism for increasing the money in that Account, "The effect... will be continually to bring the subject of police expenditure before the various County Councils who have no voice in the management of the force whilst in an indirect way they contribute to its maintenance." Estimates letter 31 January 1891 on HO 395/1.

⁴⁸ See LCC Memorandum to council members 2 July 1909, on MEPO 5/279.

examined but rejected greater resort to funded loans for building requirements on the basis that it was not an expedient capable of giving longer term relief. In its report in March 1909⁴⁹ it recommended a rate rise of 0.5d (estimated to produce about £105,000) as the only viable solution. Because raised under section 19 of the 1890 Act for remedying a *pensions* deficit, such an increase did not fall to be counted against the rate cap last varied in 1868, though its effect on the Local Taxation Account machinery of the 1888 Act was problematic.

Whilst the case for additional funds was clear, the means of getting them was not necessarily cut and dried. The solution was ingenious. There was no rate increase but, rather, an increase in the Exchequer subvention, and in a form which was insulated from the need to offer similar support to provincial forces. By the Police Act 1909, the Home Secretary was empowered with Treasury approval to give an annual grant to the Metropolitan force for “imperial and national services”. In the first year the sum was, perhaps not surprisingly, £100,000 - at which it remained throughout the rest of the period.⁵⁰ Simultaneously, the 1909 Act neatly provided that any rate increase under the 1890 Act (to cover pensions deficiencies) was not to count for the purposes of the Local Taxation Account (now Exchequer Contribution Account) thus relieving the pressure that would otherwise arise on

⁴⁹ HO 347/23.

⁵⁰ This essentially judgemental total was reached after intense negotiations between the Home Office and the Treasury sought unsuccessfully to agree some objective basis for the “right” amount –see HO 45/24567/17444269A.

local authority expenditure supported by the Account. In this way, the collision foreseen by Farrer and the Receiver was averted.⁵¹

A rate rise was not, however, to be averted for ever. The expedients of 1909 were not robust. Little more than a year later, in December 1910, Byrne submitted a long typed minute which attempted to make a case for a new, public committee to look into the question of augmenting the force whose strength relative to population was declining:

The grave fact is that heretofore the natural increase of the rateable value of London has enabled adequate augmentations to be made to the force from time to time without raising the rate, except quite recently for the purpose of meeting the deficiency on the Pension Fund. The rateable value has now ceased to rise - the next Valuation will show an actual reduction.⁵²

Although there was some discussion between Byrne and Troup about possible membership of a committee, none was appointed, Byrne noting two months later that the papers had been seen by the Home Secretary and no further action was planned.⁵³

⁵¹ Whilst this stratagem solved the problem of *police* finance, it assumed stability in funding elsewhere and continuing compliance amongst London local authorities – after 1899 grouped as boroughs. This assumption could not be sustained, it transpired, when pressures from *elsewhere* on local authority budgets effectively forced in 1921 a much more generous scheme of redistribution of rate revenues *between* London boroughs. See Chapter 7 below for the discussion of “Poplarism”.

⁵² HO 45/10640/205459, minute of 3 December, 1910.

⁵³ *Ibid*, minute of 2 February, 1911.

Further action did, however, ensue without benefit of committee in the form of the Metropolitan Police Act 1912. This was wholly devoted to funding. It raised the rate cap from 9d to 11d and, moreover, went through the placatory motions of requiring the Home Secretary to lay an explanatory Minute before Parliament, which could present an Address against it, if he proposed to raise the actual rate above 10d. Following the precedent of the 1909 Act, the local authority contribution from the Exchequer Contribution Account was fixed at what it had been before the 1912 Act. Nor was there any increase in the Exchequer subvention.

The 10d limit held for a bare two years: the Home Secretary (McKenna) laid his Minute on 24 July 1914 attributing the cause to the need to increase pay. The rate was to be 10 1/8d where 6 1/8d would be due from parishes and 4d claimable from the Exchequer Contribution Account. Wartime inflation led to the introduction in January 1918 of a two clause Bill on similar lines which raised the limit to 13d and passed through all its Parliamentary stages in less than three weeks.⁵⁴ Finally, as had been originally recommended by the Royal Commission on Local Taxation, the Police Act 1919 abolished all caps and affirmed the practice begun in 1918 of providing Exchequer support equivalent to 50% of all police costs, including buildings.

Borrowing

As already explained, powers to borrow were not taken until 1857 and were then not used. Whilst there had in fact been temporary borrowings to cover cash flow,

⁵⁴ See HO 45/11010/310440/19.

there were no funded loans until powers (which included compulsory purchase powers) were obtained under the Metropolitan Police Act 1886. The working assumption had always been that capital costs should be met out of income, an assumption which the Report of the 1909 Committee showed as surviving well into the period when funded loans had been in operation for some time:

...in the case of a Public Fund...whose expenditure is naturally affected by the needs of newly populated and rapidly growing districts, a regular annual expense for new buildings is inevitable, and forms a proper charge upon the income of the Fund.⁵⁵

That this thinking - understandable when growth was continuous - did not hold perpetually was probably due to four circumstances. First, a committee's survey of police stations in 1881⁵⁶ had brought home just what a motley and unsatisfactory collection they were. (At Wandsworth, for example, the water supply had been found to be so foul that the committee had cut through the supply pipe on the spot.) Secondly, the grand project of erecting purpose built headquarters was formulated, and no feasible surplus income could possibly fund it – the largest Whitehall building project of its day by far. Thirdly, the Receiver was responsible also for magistrates' courts buildings, and their requirements called out for longer term funding, too. Lastly, there was a new Receiver, Pennefather, who was diligent, active and resourceful.

⁵⁵ HO 347/23, Report, paragraph 38. Part of the background here was that Metropolitan police funding did benefit (like local authorities) from the fact that it was possible to carry balances over from one year to the next, unlike government departments which had to surrender balances, if any, each year. This fact promised a certain flexibility but only, of course, if there were surpluses in the first place.

⁵⁶ HO 45/9593/93633.

Appointed in 1883 on Drummond's retirement, he lost no time in pressing for a more flexible and extensive funding regime. He pointed out that the unused borrowing powers in the 1857 Act had become unusable because any loans taken up had to be paid off by 30 years after the Act's passage, that is, 1887. Money could be had at 3.5% (in fact he was able to get it for 3%) and, amongst other things, he particularly wanted to press on with sanitary improvements to cells. There remained 38 stations without telegraph communications. There were also still four stations in use from the original watch houses inherited in 1829.⁵⁷ The following year, Pennefather recommended ("this matter has long occupied the Commissioner") the erection for £5,000 of a building for "preparatory classes" in Kennington Lane.⁵⁸

By the time the 1909 Committee reported, successive Acts had given the Receiver borrowing powers of £950,000 (of which £600,000 had been taken up) for police and courts purposes, together with what were essentially local authority powers of compulsory purchase. New Scotland Yard alone had cost £297,836.11.11d and, the Receiver pointed out with evident pride, had come in *below* the estimated cost.⁵⁹ At that time - 1891 - he had sufficient surplus after providing for the loan

⁵⁷ Estimates letter 5 December, 1884, HO395/1.

⁵⁸ Estimates letter 16 December, 1885, HO 395/1. The resulting building in Kennington Lane later received ambiguous praise: "In elevation it is pleasing to the eye, and even handsome, although there is a pretty general misconception that it is a workhouse. Workhouses in these days, however, are palaces." Clarkson, C.T. and Richardson, J.H., *Police!*, Field and Tuer, 1889, p. 89.

⁵⁹ Estimates letter 31 January, 1891, HO 395/1. Such expenditure also falls to be understood as part of the expansion of local authority capital investment in the period. A recent summary is in Wilson, J. F., "The finance of municipal capital expenditure in England and Wales, 1870-1914", *Finance History Review*, 1997, pp. 31-50.

repayment sinking fund to build four new stations a year for the suburbs, and he proposed also that he should purchase the leases of others. The 1909 Committee reported that "The money raised on loan has been expended on the erection of New Scotland Yard, the purchase of sites, and the erection of Police Courts."⁶⁰ It is also apparent that Pennefather drove through a substantial programme of improvements during the period. For example, the Curtis Green extension to New Scotland Yard was built out of income; section house dormitories were converted into cubicular accommodation; and entirely new section houses (one for 94 men) were erected. In addition, he made use of capital investment by others through arrangements with contemporary housing associations to reserve accommodation for officers on the basis of being indemnified against rent loss by the Receiver.⁶¹

There is scant evidence of any considered and settled Home Office funding policy. At the time of impending deficit in 1908, Tripp (still then in the Home Office) was reluctant to contemplate taking temporary Bank of England loans:

It is of course in accordance with sound financial policy to pay for new buildings from income, and this is especially the case in regard to police buildings because of the increased pension charge we are bequeathing to coming generations.⁶²

⁶⁰ HO 347/23, Report, paragraph 23.

⁶¹ Pennefather's Estimates letters are full of sometimes extraordinary detail. For example: "The non-spillable oilwell, which it is thought will keep the Greatcoats cleaner has not yet been taken into use. The patentees became bankrupt. The question is being gone into *de novo*." HO 395/2, Estimates letter 9 May, 1905.

⁶² Minute of 16 October 1908 on MEPO 5/279.

In other words, it was *because* of the pension charge that *other* bequests to the future should be minimized.

But there is also a sense in which “sound policy” was whatever opinion held convenient sway at the moment. By 1908/09, not only were officials facing up to the longer term implications of the 1890 pensions settlement, but they were also anticipating that concessions would be made to pressure for a weekly rest day. Commenting on Tripp’s minute, Byrne in the policy department observed:

This provision – section 19(4) of the Police Act 1890 – enabling an increase in the rate to meet the Pension Fund deficiency passed without discussion: it was worded as not to obtrude itself on the attention of Parliament. As there really was no Pension Fund at the time – there being an annual deficit of nearly £150,000 – the Police Fund has had to make good every year a heavy deficiency in respect of Pensions rising from practically nothing in 1891 to £230,000 in 1908...Personally I think it would be right and fair that the generation that was responsible for the very generous terms of pension given by the Act of 1890 should at any rate begin to rate itself more heavily to meet the growing pension charge, so that the Police Fund would be released from its heavy liability to the Pension Fund and become more adequate to meet the growing ‘effective’ charges.⁶³

When questioned by a London MP in 1909 about borrowing policy, the Home Secretary (Gladstone) explained:

⁶³ Minute of 7 November, 1908, on MEPO 5/279. The language of “as not to obtrude” seems to be an early example of what Lord Armstrong of Ilminster notoriously rather later called being “economical with the truth”.

It has been the regular practice to charge against revenue the cost of new buildings and of additions and alterations to existing buildings, recourse being had to loans only in the case of works of an exceptional character, such as the acquisition of the freehold of those properties which were held on leasehold tenure &c. It has been considered desirable to restrict borrowing within the narrowest possible limits in view of the heavy and annually increasing charge for police pensions which future generations of ratepayers will have to bear. No exceptional expenditure is contemplated in the immediate future; the normal expenditure for new works and alterations will, in accordance with established practice, be met from revenue...⁶⁴

In other words, current and capital expenditure were not distinguished so definitely as they became later in public finance. Rather, accrual of capital assets was seen as a legitimate object for what would nowadays be regarded as current expenditure. Accordingly, it was a matter of judgement only about when it might be “sound finance” to resort to borrowing, and a muddy ethic of inter-generational burdens was used to justify the outcome that seemed most practicable in the circumstances. At this juncture, the decision was, as already described, to increase the rate burden in a situation where officials also plainly regarded the 1890 pensions settlement as unwontedly generous.

The Daunton thesis

Martin Daunton has argued that early Victorian state parsimony and taxation policy prepared the way for the much more adventurous expenditure of the late nineteenth and early twentieth centuries :

⁶⁴ Hansard, Commons, 13 July, 1909, cols. 2009-2011.

The success of retrenchment and the creation of a sense of equity and even-handedness meant that by the later nineteenth century the state was widely seen as trustworthy and effective in dealing with new social and economic problems.⁶⁵

Developing the argument:

This interpretation challenges the orthodoxy that the 'natural' form of the Victorian state was *laissez-faire* and the 'natural' form of the later Victorian period was state growth. Instead, it argues that growth was feasible as the result of the creation of legitimacy by means of retrenchment and, more importantly, the construction of norms of probity and transparency in the management of state finances.⁶⁶

The experience of Metropolitan police finance should be a good test of these positions because almost uniquely it relied on both local and national funding sources. The record of capital expenditure clearly does support the Daunton view. What may be said of current expenditure?

The example of granting a weekly rest day to the police illustrates some of the themes in the timeframe of Daunton's analysis. Whilst a system of fortnightly leave established itself early on, weekly leave was withheld on the grounds of cost. In 1868, at the time of the "Fenian" augmentation and the rate increase to pay for it, the Home Secretary told Parliament that one of the purposes to which the increased revenue would be put was to provide a weekly rest day. Whilst the

⁶⁵ Daunton, M., op. cit., p. 27.

⁶⁶ Ibid, p. 28.

augmentation facilitated weekly leave, the Commissioner was unable to implement it because he had been asked to send the greater part of the new strength to the outer Divisions. The result was that some of the inner Divisions received no increase but would have had to bear a reduction of one seventh of their effective strength to allow for the day's leave. The Commissioner also observed that weekly leave "has not increased alertness or efficiency... The constable becomes unhinged by one day's leave by constant interruption of duty, and not infrequently unfitted by one day's leave for duty on the next."⁶⁷

The case for weekly leave was taken up by the editor of the *Police Review*, John Kempster, and the House of Common set up a Select Committee to examine the merits in 1908. The Commissioner, Henry, claimed that the men would simply use the extra time to make more money, and that the *Police Review's* views were those of the editor not the men.⁶⁸ The Chief Surgeon to the force, T.C. Dent, opined that there was no medical case for weekly leave, but a better argument for increased annual leave.⁶⁹ Kempster, claiming a circulation of 18-19,000 throughout the United Kingdom, argued:

The police feel that one day in seven is only withheld from them because they are under disciplinary conditions which forbid their combining in protest, and that their exclusion from

⁶⁷ *Report of the Commissioner of Police 1869/70*, PP 1870, Vol. XXXVI, C. 150, June 1870, p. 42.

⁶⁸ Report of the Select Committee on Police Forces (Weekly Rest Day) Bill, 8 December, 1908, PP 1909, Vol. VIII, QQ 321 and 444.

⁶⁹ *Ibid*, Q 996.

a privilege which cannot be withheld from free citizens brands them with a badge of humiliating and irksome servitude.⁷⁰

Pennefather, the Receiver, though he supported the idea in abstract, thought that in London the question resolved itself principally into a financial one. He thought also that people were being driven out of London because of the high rates and

The moment you take away the limit which Parliament has fixed upon the rate, I feel convinced that there will be other demands made, and that the Home Office and the Police authorities will find it extremely difficult to resist those demands."⁷¹

In private, however, officials took a very different and more hostile line. When the Home Secretary, Gladstone, indicated to his Permanent Secretary, Troup, that he was inclined to accept the principle of the Private Member's Bill introduced in early 1908 (i.e. before the Select Committee was set up), Troup forwarded a memorandum from the Finance Officer (Tripp) estimating the cost to the police service and making the point that the whole cost would fall on the rates and squeeze further the amount otherwise available to local authorities under the Local Taxation Account arrangements. In his own covering note, Troup said:

My own view is that there is no comparison between the policeman who retires after 25 years with a statutory pension and may have seven Sundays a week for the rest of this life, and the ordinary workman who has to work for 50 years and then gets no pension.⁷²

⁷⁰ Ibid, Q 1783.

⁷¹ Ibid, Q 655.

⁷² BL Add Mss 45993, letter of 17 March, 1908.

This did not deter Gladstone, who was further encouraged by the reappointed 1908 Committee concluding in its 1909 Report that some relief was absolutely essential in London and that, “although an important element in the matter, the figure of cost is not the one of *primary* importance”. Indeed, they thought the change should be made in London before legislation for everyone else. The Committee reassured the London ratepayers that they would “receive a satisfactory return from the somewhat increased cost in the higher efficiency of a great body of public servants, who, from the temper, tact, discipline and energy with which their functions are discharged, have deserved well of the public.”⁷³ Gladstone’s acceptance of the principle in June hoped that the increased cost would be “cheerfully borne” and that assistance might be forthcoming from a new “Imperial” grant in aid from central government. Pennefather was not mollified by any of this:

I am not aware that I have in any way been consulted by Mr. Secretary Gladstone as to the steps to be taken to provide for the very large increase in expenditure which will necessarily arise in consequence of this decision.⁷⁴

Pennefather had earlier sought to save something from the situation by arguing that, if weekly leave were granted, then the 1890 pension settlement should be revisited.⁷⁵ That suggestion was not acted upon: it was politically unthinkable and no doubt advanced in the first place only to emphasise the financial downside of

⁷³ Report, PP 1909 Vol VI, from paragraph 10.

⁷⁴ HO 45/10552/163455, letter of 21 June, 1909, on ./27. Troup gave him short shrift – policy first, modalities later - minute of 6 August, 1909, also on ./27.

⁷⁵ BL Add Mss 45994, note by the Private Secretary, Waller, dated 9 June, 1909, for the Cabinet discussion that day, adding that the suggestion would, of course, need legislation.

the proposed change. Implementation was started in London before legislation. It required 1,632 extra officers, cost £164,000 a year, and was completed by 1 April 1913.⁷⁶

In the context of the Daunton thesis, the crucial point of interest in this story is the difference of view between ministers and officials. Some police historians have tended to see the issues in fairly black and white terms. Ascoli, for example, commented: "Predictably, the opposition to what was no more than a matter of common justice and wise management came from the Home Office which took refuge behind the hackneyed barricade of 'guardianship of the public purse'."⁷⁷

Moving away from a white hat/black hat dichotomy, however, it may be seen how officials shared the "powerful normative assumptions" about public expenditure that have been noted of Treasury officials.⁷⁸ These were no longer held by ministers of the 1906 government who were prepared to raise both rates and, as Lloyd George did in his 1909 budget, introduce graduation into the income tax:

The difference was that whereas the 'direct taxers' of the 1840s had coupled direct taxation with retrenchment, those of the 1900s coupled it with increased expenditure, and had

⁷⁶ Police Weekly Rest Day, Return of 30 July, 1913, PP 1913, Vol. LII.

⁷⁷ Ascoli, op.cit.p. 188. A similar line has been taken more recently in Fido, M. and Skinner, K., *The Official History of Scotland Yard*, 1999 – see the entry on Henderson where government finance policy is attributed to the personal proclivities of Drummond, the Receiver. It is like blaming the weather on the TV presenter. Critchley, avoiding such misunderstandings and concentrating on the provincial forces, exercised his own crotchets by presenting the events as a saga instancing the want of leadership within the police service – Critchley, T.A., *A History of Police in England and Wales, 900-1966*, 1967, pp. 171-5.

⁷⁸ Daunton, op. cit., p. 388.

begun to see it as a positive agent of social change through redistribution.⁷⁹

The Dauntton thesis on this evidence holds. Moreover, that it is valid was anticipated by the author of Gladstone's entry in the *Dictionary of National Biography*.

These measures [Trade Boards Act 1908, Probation of Offenders Act 1907, Prevention of Crime Act 1907, Children Act 1908] were not, on the whole, concerned in the spirit of 'Gladstonian' liberalism, which had promoted personal freedom together with economy and non-interference on the part of the state. They showed a growing tendency to bureaucracy, which is inevitable when the details of legislation are largely influenced by departmental officials, and they mark the approximation of liberal aims to those of the labour party and the socialists.

The significance of the events would not have been lost on the policemen themselves. They had in 1890 and 1909 by exerting proxy and indirect pressure obtained significant improvements in their pay and conditions of service. What, some might have wondered, could be achieved by more direct means.

Parliament

In theory there was no question that could not be asked of the Home Secretary about the deployment, management and cost of the force. From 1868, the

⁷⁹ Matthew, H.C.G., "Disraeli, Gladstone, and the Politics of Mid Victorian Budgets", *Historical Journal*, 1979, pp. 615-643. A further example of a new openness to incurring expenditure is the appointment and findings of the *Departmental Committee on the Accommodation of the Metropolitan Police*, 1904. (Printed but not published.) The Committee was chaired by Troup and recommended a revised system of rent allowances and standards for a quarters building programme.

Exchequer contribution was transferred from the Consolidated Fund (covered by the 1833 Act) to Supply and therefore subject to annual review and vote. In theory this strengthened the immediacy of Parliamentary oversight.

What has already been recorded above about the proceedings on the 1833, 1857 and 1868 legislation indicates that theory and practice were not very closely intertwined. Whilst there certainly were questions put to the Home Secretary from time to time, they were usually about purely local, constituency interests (including the cases of particular police officers) and rarely about the Home Secretary's general policy - especially financial policy - in carrying out his duties which, under section 5 of the 1829 Act, gave him statutorily a detailed control over the Commissioners.

During the period, there was only one substantial attempt to challenge the Home Secretary's stewardship in policy terms. This occurred during the Supply debates in November 1888. The timing goes a long way to explain why the attempt should have been made. The Commissioner, Warren, had only recently been required by the Home Secretary, Matthews, to resign. The previous two years had been particularly troubled by the social unrest originating from a severe economic depression, and anxious discussion in government and Parliament about the appropriate policing policy with which to respond. In addition, for nearly a decade, there had been unresolved discussion about the future of London government. One of the issues had been whether a new London wide authority should, like local

authorities elsewhere (including in the City), have responsibility for policing. During Gladstone's 1880-1885 ministry, Harcourt's opposition to the inclusion of the Metropolitan police in a new authority's powers had been one of the reasons why that government's local government Bill had been so delayed to the extent that progress became unfeasible. The ensuing Conservative government produced its own measure which, so far as London was concerned, kept policing entirely in the hands of the Home Secretary.

In respect of both measures, the Radical elements of the Liberal party had sought and failed to get the Metropolitan police transferred. They still hoped to make the change, and therefore were anxious to make the case that municipal control would lead both to more satisfactory and cheaper policing in London.⁸⁰

The Radicals' spokesman was Professor James Stuart, the MP for Hoxton, a pioneer of university extension courses and the first Professor of Mechanics at Cambridge. He was one of the leading lights in the Liberal party organisation in London and to that extent responsible for the early successes of the Progressives in the new London County Council, of which he became an alderman.⁸¹ During the Supply debate on 14 November, 1888, he made a carefully scripted attack on the management and cost of the Metropolitan police, and followed up his attack with a long letter to the *Daily News* published on 3 December.⁸²

⁸⁰ See Chapter 7 below for a more extended discussion of these issues.

⁸¹ See also Appendix C for biographical note.

⁸² It consisted of a letter of 29 November, 1888, essentially repeating his Supply debate assertions.

Comparing 1878 with 1888, he claimed that although the population of London had increased by 23%, the number of police had increased by 34.5%, and the increase in cost had been 44%. Moreover, as proved by recent Parliamentary returns, the Metropolitan force was undoubtedly more expensive than the forces in other large towns, all of which were municipally controlled. Despite very favourable rating revaluations, it seemed likely that rate increases would be inevitable. If the force's increase in costs had been the same proportionately as that of the increase of population, there would have been a saving of a 2d rate. The police's demands alone were squeezing local authority reserves. Anyone taking a business view of the accounts

would come to the conclusion that they were looking through a business that needed overhauling in the very points in which a business that was going to the bad needed overhauling...There was no way out of meeting the serious financial crisis which was rapidly approaching, except by putting the Metropolitan Police under the control of the County Council.⁸³

During the continuation of the debate the following day, the junior Home Office minister, Stuart-Wortley, made a far from circumstantial attempt to rebut Stuart's contentions. Stuart noted this fact, repeated and elaborated his allegations, and

⁸³ Hansard (Commons), 14 November, 1888, cols 1176-1183.

added the view that, irrespective of the need and despite the effect of revaluations, “they stuck to their 9d rate like limpets.”⁸⁴ The government, however, won the vote.

All this was taken very seriously by the Receiver. In a closely printed “Memorandum on the Growth of the Cost of the Metropolitan Police” of 35 pages, he commented on all Stuart’s allegations in great detail. His main points were that the period chosen by Stuart for comparison was atypical, including the year of the Golden Jubilee as its last year. Painstakingly, he went through every allegation meticulously and demonstrated its error or unfairness. With the exception of his assertion that the maximum rate was not always fully spent (Stuart’s point was that it was always *raised*), his memorandum is persuasive on the detail. It also sought to maintain a particular policy proposition which it would not have been convenient to allege publicly, but which was designed to legitimate keeping the force out of municipal control: “that popular representation does not succeed in keeping down rates, and that the best guarantee against an undue increase in the expenditure of any rating authority, is to limit the income which that body can raise”. He instanced the cases of the Board of Works, the School Boards and parochial and district board rates, all of which had experienced significant increases in the rate poundages - 73% in the case of the Board of Works over the same decade.⁸⁵

⁸⁴ Ibid, col. 1369.

⁸⁵ HO45 9695/A49633/1, *Memorandum on the Growth of the Cost of the Metropolitan Police*, 24 December, 1888, pp. 9-10. MEPO 5/281 contains another copy of the Memorandum together with comments by Lushington in a minute of 16 February, 1889, on both the Memorandum and two Parliamentary returns giving the costs of provincial forces. Having shown that the Metropolitan police did not invariably show up as the most expensive, Lushington concluded: “I doubt if there is any other item of considerable expenditure in which comparison of the Metropolitan and Provincial forces can properly be made except subject to reservations so large as to nullify its value.”

Two months later within the Home Office, Lushington added his own reflections. He challenged the shallowness of Stuart's thinking: it was fallacious to argue that the only relevant criteria were population, property and area. Quite apart from the need to fund superannuation, it was evident that not enough had been devoted to providing adequate buildings for the force. Moreover, Lushington argued,

The mere lapse of time, the mere march of civilization, must introduce changes, and with changes, expense...A police force touches the community at so many points that its exigencies necessarily vary with the public circumstances of the day.⁸⁶

It is clear that the material in the Receiver's Memorandum was used to brief the author of a subsequent article in the *Contemporary Review*.⁸⁷ Politically, the detail was in the end, however, irrelevant. As Stuart pointed out in his rejoinder, In fact, if his [Evans'] argument is an argument worth anything, it is one against representative government in any sense."⁸⁸

In the end, of course, this was the point. It was not really the detail that mattered. What counted was who was in control. It was all very well for Pennefather to quote Farrer: "The London rate payers, unlike any other ratepayers, had no voice whatever; and the representatives of London, in the House of Commons, were not

⁸⁶ MEPO 5/281, memorandum of 16 February, 1889. Monro was to draw on Lushington's language when later that year arguing for an augmentation of 1000 men. See Chapter 6.

⁸⁷ See MEPO 1/65 for letter from Receiver to Lushington 20 January, 1889, seeking permission to brief Evans, who had not long before been required by Matthews to resign following personal bankruptcy. The article was Evans H, "The LCC and the Police", *Contemporary Review*, LV, 1889, pp. 445-461.

⁸⁸ Stuart, J., "The Metropolitan Police", *Contemporary Review*, LV, 1889, pp.622-636.

strong enough, or, perhaps, intelligent enough, to look after the interests of the ratepayers.”⁸⁹ There were limits to the continuous attention that London MPs could give to police matters; and it is difficult, even were it appropriate, for a national legislature to attempt to get into the detailed management of the force. But, if that were true for Parliament, might it also be true for the minister?

That is another matter - to be dealt with in Part III below. There Chapter 6 will examine ministerial performance and Chapter 7 consider why the police authority responsibility was never in the period delegated, as it had been everywhere else in Great Britain including the City of London, to a local authority even after the creation of the London County Council in 1888.

⁸⁹ HO 395/1, Estimates letter, 31 January, 1891.

PART III

GOVERNANCE

This Part consists of three chapters each of which approaches the control of the Metropolitan force from a different perspective. Thus, Chapter 5 examines how the regulation of individual officers' conduct was maintained, and for whose benefit. Conversely, although Chapter 5 seeks to register some important political points, Chapter 6 aims to look at the higher, more strategic issues of political control. Whilst the perspectives explored in Chapters 5 and 6 have received some attention elsewhere, Chapter 7 seeks to cover ground not previously tackled in earlier studies. That is, it explores why political control during the study period remained at national level in London rather than at local level as was the case everywhere else in Great Britain.

In this Part generally, in order to explain the fuller context of events and developments, it is sometimes necessary rather more than in previous Parts to move beyond the 1860-1920 timeframe.

CHAPTER 5

OPERATIONAL ANSWERABILITY: COMPLAINTS

This chapter examines the public as opposed to the parliamentary or political accountability of the force in its first one hundred years.¹ What recourse was available to private citizens who considered that they had suffered adversely and unfairly in some way at the hands of police officers? In addition, what does the response of the force and the Home Office to such complaints say about professional and political perspectives on these forms of accountability?

It will be argued that developments were anything but linear; that police management's tendency to conflate complaints investigation with questions of internal discipline led to the distortion of the latter becoming dominant in the response to the former; and that the police authority took up no continuous position as having any responsibility to uphold the public interest in the quality or outcome of investigation.

What follows looks first at the legal position in so far as the law intervened before passing on to look at practice and the impact of the various crises that occurred as a result of events in some particular cases. It will conclude by reflecting on what conclusions may be drawn from developments over the century as a whole.

¹ It is for this reason, therefore, that it does not deal with the 1856 Royal Commission or the Chester Jones Inquiry of 1912 since both looked at alleged misbehaviour of groups of police in specific public order situations.

Legal background

The originating statute of 1829 was silent on individual complaints. Its focus was on establishing the force and the systems of political and financial control under which it should operate. On the other hand, the practice was adopted from the outset of ensuring that officers were individually identifiable: in accordance with the best practice amongst the London forces they replaced², their divisional letters and personal numbers were placed visibly on their uniforms. They wore a uniform, they were part of a “force”, but they were individually accountable.

Moreover, the law was not silent for long. Section 10 of the Police Offices (London) Act, 1833, provided for a summary procedure where any officer (that is, in the Metropolitan and the then still extant magisterial forces), if convicted by two magistrates of disobedience to orders, neglect of duty or misconduct, could be fined up to £10 or up to three months imprisonment in lieu. The provision was contained in the routine, renewable time-limited legislation that governed the Police Offices originally established in 1792. The fact that it was new received no comment at any stage of the Bill’s proceedings.

Essentially the same provision was re-enacted as section 14 of the Metropolitan Police Act, 1839,³ which, on the principle of separating the judicial and executive functions of the London stipendiaries, amalgamated the

² Reynolds, E.A., *Before the Bobbies: The Night Watch and Police Reform in Metropolitan London, 1720-1830*, Stanford (California), 1998, p. 151.

³ The offence was more concisely defined as “any neglect or violation of duty” but the penalties remained the same.

remaining magisterial forces with the Metropolitan force. There were identical provisions in the 1839 and 1847 Acts applying respectively to the county and borough forces. With the exception of some variation of offence definition and punishment in the latter forces as a result of the Municipal Corporations Act, 1882, these statutory provisions remained intact until repealed by the Police Act, 1964. The sole other statutory intervention were the limited requirements in the Police Regulations, 1920, about the recording of complaints and outcomes. They did not extend or direct remedies.

Metropolitan practice

It is much easier to discern what the Metropolitan force said that it did than to see what it actually did. Recorded discussion is confined mostly to claims before committees and the events of particularly notorious cases. There are no continuous, detailed records except for the bare outcomes of discipline proceedings which themselves do not specify how or by whom charges were initiated. For the first few years returns to the Home Office did not even particularise the nature of the alleged disciplinary offences until the Home Office insisted.⁴ The continuous record of correspondence between the Home Office and the force exists only for the first eleven years. One divisional register alone seems to survive, and that from the 1840s.⁵

⁴ The Commissioners initially resisted the requirement for reasons that were not recorded. See HO 61/9, letter of 30 July, 1833. They gradually deteriorated into very perfunctory descriptions describing the offence category rather than the circumstances e.g. HO 61/25, Rowan to Home Office 10 January, 1840.

⁵ See HO 61 for the 1829-39 correspondence and MEPO 4/6, a surviving register for H Division.

The fact that the disciplinary records do not reflect a complainant perspective is itself no doubt significant: the imposition of discipline was a matter internal to the force, regardless of how the relevant facts came to light. It is possible in some cases to infer that there was a complainant outside the force. For example, where an officer was dismissed for cohabiting with a female who was not his wife, or for ill-treating his wife, the identity of the informant/complainant may be imagined.⁶

Public positions were impeccable. In their evidence before the 1834 Select Committee, Rowan and Mayne – in what read very much as orchestrated exchanges – stressed the priority they gave to dealing with complaints to the extent of devoting 4-5 hours a day dealing with them (though most arose internally), and the superiority of their procedures over what had existed before. They also went out of their way to welcome s. 10 of the 1833 Act to the point of stating a preference for it on the grounds that it would “prevent any insinuations as to the bias that may be supposed to exist in our minds”. The fact that the statutory remedy meant complainants did not have to go to the bother of invariably travelling to Scotland Yard to lay their complaint was also mentioned.⁷ The Select Committee was impressed:

... they think it but due to the Commissioners that they appear to have given the Public every facility in their power for the reception and investigation of complaints against the persons under their government. The course therefore now open to the Public...is either

⁶ HO 61/10, Mayne to Home Office 10 August, 1833; Rowan to Home Office 22 November, 1833.

⁷ 1834 Committee, Evidence at Q 4252 and Q 6284.

by application to the Magistrates or to the Commissioners; and it appears from the evidence of the Commissioners .. that the necessary inquiries may be made under their direction through the Superintendents of the respective districts.⁸

The Select Committee also observed that it hoped that the magistrates would exercise their power always so far as possible “in communication” with the Commissioners.

The early records allow some glimpses of what these claims meant in practice at a time when the force was still establishing itself and it was not immediately clear that it would be both politically and financially viable. Moreover, there was a considerable turnover in the force.⁹

Significantly, even in all those circumstances, the Home Office did not see itself as a court of appeal from the Commissioners. From the earliest times, there was a reluctance by the Home Office to become involved in determining complaints or interfering in the Commissioners’ disciplinary decisions. Thus, although the Earl of Kinnoul invited Peel in the summer of 1830 to dismiss two constables for allegedly lying in their testimony against one of his servants, Peel stood by the Commissioners who had refused to dismiss the officers merely on

⁸ 1834 Committee, Report, p. 9.

⁹ HO 61/3 – “Return of Dismissals and Resignations 29 September 1829- 24 July 1831” dated 27 July, 1831 showed that a total of 3235 had left the force, of whom 1111 had resigned and 2124 had been dismissed. For the longer period September 1829-May 1839 dismissals constituted 5150 as against 6458 resignations, a total turnover of 11,895 including 287 deaths - HO 61/23. The total of dismissals continued for long to be a substantial proportion of all removals for whatever cause from the force. For example, during the two decades 1859-1878, the number of dismissals (i.e. the sum of requirements to resign and dismissals) as a proportion of all departures ran at never less than one fifth, reached nearly one half in the middle years and was running at over one third at the end: 1879 Report, Table of Removals.

the Earl's say so. Instead, the Commissioners had offered to hear the complaint but in the presence of the officers. Kinnoul did not take up the offer but instead returned to the charge to ask whether the officers had been punished. He was told it was a matter for the Commissioners.¹⁰ The Commissioners also withstood pressure a few years later from the Earl of Lucan infuriated by the way the police had dealt with an errant drover whose misbehaviour meant that prize animals belonging to the Earl had lost their slot at a Smithfield auction. Although the Commissioners dealt with the case entirely by themselves, they took care to report it fully to the Home Office.¹¹

Social or political class in those two cases conferred no advantage, though it was otherwise for Mrs Edwards. In her instance, the Commissioners reported of her detention overnight after being arrested outside the Haymarket theatre that "In consequence of the inquiry which was made into the mode of life and general character of Mrs Edwards, it was considered by the Commissioners that she was not entitled to any apology from the police constable."¹² After the change of government, Melbourne maintained Peel's policy of non-interference.¹³

¹⁰ HO 61/2, letters of 18, 24 and 30 August and of 4 September, 1830. The Commissioners believed that the servant had in fact sought to interfere in an arrest and had assaulted the officers. The draft for the final reply appears to have been in Peel's own hand.

¹¹ Letter of 5 March, 1833, on HO 61/8.

¹² Ibid, letter of 2 September, 1830. The police had been moving people on outside the theatre because of robberies of theatre goers. Conversely, the Home Office response to the professor who objected at the end of the century to the way he had been treated by the police with too little deference illustrates something of the degree of social change over the intervening period viz he was told: "The police can make no distinction of persons." HO 45/9711/A51190, letter of 28 November, 1895.

¹³ HO 61/3 – case of ex-PS Hatfield's appeal of 1 July, 1831 against his dismissal.

For the 1829-1840 period there is scattered evidence of hardening practice. First, the Home Office remained reluctant to become involved in the details of complaints. This became a settled habit more than an invariable practice. In the ordinary case, it would seek simply to refer the correspondence to the Commissioners in a situation where correspondents rarely approached the Home Office. The latter had no capacity for instituting its own inquiries independently of the Commissioners and, under the legislation, it was the Commissioners who were the disciplinary authority. All efforts by dismissed officers to appeal to the Home Secretary against Commissioners' decisions were rejected as a matter of course – even in the Ruth Morris case (see below) where a new Home Secretary had an opportunity to reverse what he may have privately regarded as the perverse decision of his predecessor.

Secondly, however, the Home Office did become involved with the determination of cases when the magistrates had convicted an officer under the section 10 procedure of the 1833 Act and as continued in section 14 of the 1839 Act. It was settled in correspondence with the Commissioners in 1834 that there should be a presumption in favour of dismissing the officer unless the Commissioners or the magistrate recommended otherwise. This rule was reaffirmed in 1843 except that the magistrate was not to be invited to give an opinion as to retention.¹⁴

The Home Office was not normally involved in cases where section 14

¹⁴ HO 45/9358/31331, letters of 13 October, 1834 and 13 June, 1843.

prosecutions failed, and the Commissioners reported the outcome of an 1835 case only because the Home Office had been applied to originally by the complainant, a Mr Goodlad, who alleged that a Superintendent and an Inspector had compounded a felony. The magistrates, although they found the charges were not proved, opined that there were sufficient grounds for bringing them. The Home Office, though normally claiming that it was not the disciplinary or appellate authority, directed that the two officers be cautioned “as the magistrates’ opinion does not entirely relieve them from all blame on this occasion.”¹⁵

The Ruth Morris case concerned the complaint of the prisoner that, whilst in custody, she had been raped by the station Inspector, Squire Wovenden. The Superintendent, Lazenby, rather than recording the charge first sought – as he understood he was required to do – the directions of the Commissioners. Morris was a young woman who had in June 1834 been arrested for attempting when drunk to bilk her cabman, though she had apparently offered in front of a tipsy and appreciative assembly of onlookers to pay him in kind. Confined overnight, she was brought before the magistrate the following morning and ordered to pay up. Wovenden was a man of 48 who had served throughout the Peninsular campaign, sustaining wounds in 1813, and who, as sergeant major of the 34th Regiment, had been recommended for a commission not granted only because of the ending of hostilities. He was married with seven children, one of whom was a constable in the force. Inquiry by the Commissioners established to their

¹⁵ HO 61/15, minute on Rowan’s letter of 5 December, 1835.

satisfaction that rape could not have occurred as alleged, amongst other reasons because the cell bench was too narrow to have made congress possible. They noted also that Morris made no charge when brought before the magistrate the morning after the alleged rape.

The Home Secretary was Duncannon, a Whig, who, despite a stay in office of only five months entirely during a Parliamentary recess, is one of the select band of candidates vying for the title of worst occupant ever of his office from its inception in 1782. He took a stand hostile to the force, and engaged one of its jealous critics, Roe, the Bow Street magistrate, to investigate the allegations. Roe committed Wovenden to Newgate, sought to conduct his inquiries in camera, made various highly prejudicial statements in public, and ultimately persuaded a reluctant Morris to sign the charge. It was thrown out by the Grand Jury and Wovenden released.

Despite a 26 page letter of explanation and defence from the Commissioners, and though he had some difficulty in adducing his grounds, Duncannon persisted: Wovenden was to be dismissed in effect because he had forfeited (whether reasonably or not) Duncannon's confidence; and, as to the Superintendent, Duncannon took his stand ultimately on the failure of Lazenby to record the charge in the first place, and the fact that the public had to be assured that police behaviour was beyond reproach. In their final letter on the affair, the Commissioners in effect both rebuked Duncannon and held out a threat of their resignation on the grounds

that, if their authority over the numerous body of the police entrusted to their immediate charge should in any degree be impaired, or the respect for the Commissioners, so necessary for maintaining the organisation of the police Force, be at all shaken, it will become extremely difficult, if not impossible, for them to carry on the service with credit to themselves or advantage to the public.¹⁶

Duncannon's successor, Goulburn, though a Tory, declined when invited to interfere with his decisions. The lack of any enforceable standards of procedural justice supported the whims of elite rule which were not to be challenged.

There appear to be only two sources of continuous evidence of complaints administration in the early experience of the force, both themselves limited to fairly short periods. The first relates to investigations initiated by the Commissioners themselves in response to newspaper reports and may be found in the Metropolitan police museum.¹⁷ The material shows acute sensitivity to press comment on the part of the Commissioners. The most frequent cuttings are from the *Weekly Dispatch*, the most persistent source of criticism and which remained implacably hostile to the force. Amongst other things, it regularly referred to officers as "police-soldiers". Superintendents did not always wait for a Commissioner inquiry to volunteer their own version of events as soon as a hostile piece appeared. Thus, Superintendent Carden of S Division discounted

¹⁶ HO 61/13, letter of 13 November, 1834. A full narrative account of the affair is contained in Reith, C., *British Police and the Democratic Ideal*, 1943.

¹⁷ The papers are maintained in six bound folders at the Museum store in Charlton, London — hereafter referred to as CF i.e. Charlton Folders. They consist of original, unregistered letters and press cuttings starting in September 1829 and concluding in June 1836. The cuttings include favourable as well as unfavourable press comment. The material was not listed in Bridgeman, I. and Emsley, C., *A Guide to the Archives of Police Forces in England and Wales*, Police History Society, Monograph No 2, 1989, because purchased subsequently.

allegations of excessive drilling, assuming the story had been leaked “by some individual of the Somertown detachment”.¹⁸ The *Weekly Dispatch* did not confine itself to alleged police abuse of authority: it revealed - and relished, no doubt – moral turpitude.¹⁹

The Commissioners did not invariably support their officers or Superintendents, but sought to get at and weigh the evidence in each case.. The *Weekly Dispatch* claimed that no action had been taken when a woman had been ill-used. The Superintendent claimed that a woman was given no opportunity to identify an assailant because she was too drunk to do so. Rowan commented: “This report is not satisfactory. Let the woman in question be found out if possible and let it be stated why inquiry was not instituted when the woman came to the Watch house or a report made to the Commissioners at that time.”²⁰ The fact that an officer was defended by his Superintendent for using abusive language towards a woman and her daughter did not prevent the officer being summoned to Scotland Yard to be cautioned and assigned to another Division.²¹ A *Dispatch* report that two officers had been detected in plain clothes at a meeting about police failure to deal with prostitution was found to be true and the Superintendent reprimanded for allowing police attendance when there had been positive instructions that they should not – shades no doubt of Popay

¹⁸ CF, memorandum of 20 June, 1831.

¹⁹ *Weekly Dispatch*, 8 February, 1835, alleged infidelity on the part of a constable whose wife's own previous infidelity with another constable had resulted in that officer being dismissed. The allegation was found to be true, and the new offender allowed to resign.

²⁰ CF, Superintendent Murray's report of 27 February, 1832.

²¹ CF, minute of 2 January, 1833, by Rowan concerning PC Powers.

and the police spies case – do so.²² An allegation that two constables extorted money from a sea captain for damage to a hat after he had already been fined for assault, was investigated at Rowan's direction. The allegation was sustained and the officers dismissed.²³

Even though it was apparent that nothing appeared capable of persuading the *Dispatch* to desist from its interminable campaign, the Commissioners stuck doggedly to investigating the paper's allegations on their merits. The Commissioners' acknowledgement of the influence of the press at a time of limited popular representation (even after 1832) in Parliament is a significant indicator of the extent to which elite domination of opinion was far from unchallenged. The role of the press in these cases is also significant in seeming to demonstrate a lack of popular belief in, or ready acceptance of, the efficacy of complaining directly to the force's management itself. In their early struggle to establish the force, such considerations may have been influential with the Commissioners. However, if so, they seem nowhere to have articulated that view. Instead, there is only the evidence of Mayne's exasperation with the *Weekly Dispatch* in response to yet another unfounded allegation, this time about the supposed harassment of an omnibus driver. Responding to whether

²² CF, *Weekly Dispatch* report of 22 February, 1835, and Rowan's minute of 25 February. Popay was the police officer who had attended political meetings incognito, and whose conduct had been condemned by a Parliamentary Committee in 1833 as intolerable spying. See *Report from the Select Committee on the Petition of Frederick Young and Others*, PP 1833, Vol 13. Observers have commonly considered (for example, Palmer, S.H., *Police and Protest in England and Ireland 1780-1850*, Cambridge, 1988, pp. 312-3) that the Committee's strictures unconscionably delayed the formation of a Detective Department at Scotland Yard until 1842. Granted that detective work was nonetheless undertaken in the interim, the better interpretation may be that the *explicit* formation of a Detective department was delayed.

²³ CF, Superintendent Menzies' report of 9 April, 1834, and Rowan's minute of the same date.

the fact that the magistrate in the case had made no complaint of the police might be brought home to the newspaper, Mayne observed:

Commissioner cannot sanction any communication with the Editor of the Dispatch. The paper is the receptacle of slanderous and false attacks on Police, and offers have been from time to time made to disprove many and no willingness has been shown to get at the truth.²⁴

The second source relates to a surviving Divisional complaints register. The rule was that complaints and their outcome had to be entered in a book kept for the purpose. The sole apparently surviving register is for the years 1843-6 for H Division, the area that included Bethnal Green and Spitalfields.²⁵ It records both general and individual complaints. What it demonstrates is the direct, personal involvement of the Commissioners. When the Superintendent reported of a complaint from a long-established stallholder in Bethnal Green that a rival stall run by the wife of PS Teakle was not interfered with in any way by the officer, Rowan was damning: "Mr Pierse's report is unsatisfactory in every way – what is done by a policeman's wife in this way is done by himself. The shop must be discontinued. Acquaint the writer that such shall be the case."²⁶ In January 1843, faced with discrepant accounts about the availability of a PC to take an alleged felonious servant in charge, Rowan sent the Superintendent and the beat officer to see the complainant, a Mr Fuller, to go over the matter. The Superintendent reported that Fuller was not only satisfied but also "felt much

²⁴ CF, Mayne commenting on *Dispatch* report of 27 September, 1835.

²⁵ MEPO 4/6.

²⁶ Minute of 6 December, 1843 on MEPO 4/6. All the incidents and quotations that follow in this paragraph come from the same source.

obliged to the Commissioner for the attention paid to his complaint". However, in February, Fuller returned to an aspect of his complaint causing Rowan to observe "It would not appear by the letter that the writer was so well satisfied on the last occasion as the Superintendent stated in his report."

In May 1844, whilst Rowan advised a dissatisfied complainant in one case to go to the magistrate to make a charge which the Commissioners would facilitate by making the officers available, in another - domestic dispute - case, Rowan minuted: "I do not think this is a case which we should give the magistrate the trouble of hearing. Superintendent to acquaint complainant that the Commissioners cannot interfere." PC Brown, however, although cleared by Rowan of a complaint alleging theft, was nonetheless required in February 1845 to resign on the grounds that he was unsuitable to the service. In May 1845, Mary Driscoll complained that a PC had refused to arrest both her husband when he had assaulted her and her brother in law, who had called her a whore. (She had sought to extract them from a public house.) She alleged that the PC had said to her: "You dirty little faggot. You are drunk and worse than them. Go home or I will lock you up." She asked for the case to go before the magistrate. It did and was dismissed. Another case in August went before the magistrate at the insistence of two PCs when, without their insistence, Rowan would not have put it forward. The charges were dismissed.

A general complaint from the Spitalfields Vestry in May 1846 about undetected burglaries was taken very seriously by Mayne. He declined to take the exculpatory report from the Superintendent at face value, observing that the

police were not free from blame. The reply to the vestry reassured that the police would give special attention in future. The Superintendent was instructed to caution officers to do their duty, Mayne observing: "I regret to find that so many cases have occurred which tend to prove the inefficiency of the police."

Procedural and practice developments

In so far as it may be typical, the H Division Register shows the complaints process operating at both the individual and the management level. Procedure became further formalised over time. The consolidated General Regulations and Police Orders of 1862 laid down the duties of the Divisional Superintendent in relation to complaints.²⁷ He had to report all complaints immediately to the Commissioner and, if the offence was of a serious nature, he could suspend the officer and take whatever other precautions seemed necessary. He could settle complaints "of such lighter description as he is allowed by the Commissioner", and was to report facts and decision the following morning to the Commissioner for his approval.

In the same way, he had to report complaints of misconduct referred to a magistrate. Any officer disciplined by the Superintendent could appeal to the Commissioner who would go over the case afresh. Various subsidiary Orders issued from time to time specified handling details. For example, statements were to be taken down in writing at once in the station at which the complainant appeared irrespective of the station to which the complained of officer belonged;

²⁷ *General Regulations, Instructions, and Orders for the Government and Guidance of the Metropolitan Police Force*, 1862, p. 33.

and Superintendents were to ascertain at the beginning whether complainants were willing to go before a magistrate, and officers in such cases to be brought before the Commissioners only after the proceedings had been concluded.²⁸

At another level, Commissioners issued hortatory memoranda about behaviour.

Mayne deprecated crass language:

...the police are to be reminded that the use of any uncivil or jeering language by them on duty is a serious offence contrary to the whole tenor of the orders given for their guidance...all directions are to be given in a mild and firm manner, such conduct by the Police is best calculated to ensure obedience to the regulations to be enforced.²⁹

Superintendents were enjoined to visit courts to hear officers give evidence and “if any have a tendency to overstate or misrepresent they are to be cautioned and instructed, or if necessary reported to the Commissioner.”³⁰ Before the Departmental Committee of 1868, Mayne made it clear that he continued to rely on section 14 of the 1839 Act in complaints cases where complainants wanted to take matters to a magistrate. Though the internal inquiry took place in such

²⁸ Ibid, Orders of 18 August and 29 September, 1843.

²⁹ MEPO 7/34, Order of 1 March, 1855. Mayne cautioned again – Order of 7 May, 1856 - about the use of intemperate language which, when attending an evening party, he had heard used to a cab driver.

³⁰ Ibid, Memorandum of 25 January, 1866.

cases, there was no resort to internal disciplinary proceedings.³¹

Henderson looked to the new rank of District Superintendent established from 1869 (the rank later entitled Chief Constable from 1886) to have special regard to complaints. After some years experience, he thought that they had done much to improve the tone of the Force: "I am sure it pleases a great many people to be waited upon by a gentleman instead of by an officer in uniform."³²

Warren in the 1880s reinforced the complaints system by insisting on early responses from Superintendents to his inquiries, giving power to Chief Constables to dispose of complaints subject to their submitting exceptional cases, and making it clear that – having seen examples of inadequate investigations – he expected Chief Constables and Superintendents to ensure that full investigations were made in every case.³³ There were annual orders about drinking on duty with threats of dismissal. Commissioners struggled throughout the nineteenth century with this problem, settling towards the end for a strict tariff which, unvaryingly applied, made the punishments more certain and in that way influenced behaviours themselves changing for other reasons as the years wore on.³⁴

³¹ 1868 Report, Evidence, p.9. This seems to mean that Mayne took the court proceedings as conclusive for all purposes, whereas modern practice contemplates disciplinary proceedings for any matters not essentially the same as any criminal offence alleged against an officer. In other words, section 14 was cast in such wide terms that, should a prosecution fail, further proceedings were precluded. No explanation for the repeal of section 14 appears to have been offered during the proceedings of the Police Act 1964 other than to imply its obsolescence. It appears quite possible, however, that one reason for its falling into disuse may have been its preclusive effect.

³² 1879 Report, Evidence, Q 5227. The head of the Executive Branch, however, was not impressed: "They never find out anything or rarely." - Evidence Q 3573.

³³ MEPO 7/34, memoranda of 10 and 19 August, 1886, and 20 and 22 July, 1887.

³⁴ HO 45/9965/X20526 contains the reviews of 1888-9.

What survived to become the prevailing orthodoxy was a system where, if complainants did not take the matter to the magistrate, the Commissioners referred complaints to the responsible divisional Superintendent for investigation, and the complainants were then invited to stations to confront the officers complained of at a meeting chaired by the superintendent. Where a criminal offence was alleged, then the officer should be charged in the normal way and sent before the magistrate. Evidence before the Royal Commission of 1908 (dealt with more extensively below) indicated that identical practices were followed in at least the larger provincial forces but usually with direct and regular involvement of the Chief Constable.³⁵ In the Metropolitan police, the chief officer acted more in an appellate, confirming character as a result of the force's size.

How this system operated from the point of view of the complainant is difficult if not impossible to establish. On the one hand, it could be said to be very open and direct. Complainants had an opportunity to put their point of view and the officer was challenged to justify himself under the sanction of being disciplined. What could be fairer than an invitation to put up or shut up? On the other hand, such a system must in practice have been at least as challenging, if not intimidatory, for the complainant. Working people particularly must have felt at a disadvantage.

Some indirect confirmation of the latter view exists in two sources. The first may be derived from an account of police public relations in the East End of London

³⁵ 1908 Royal Commission, Cd 4260, evidence of Chief Constables of Leeds and Liverpool, especially at QQ 39311 and 39629.

from a Toynbee Trust study commissioned in 1904/05. The author, Hugh Gamon, lived for a year in the East End concentrating principally on the work of the police courts, that is, those presided over by stipendiary magistrates. A recent Oxford graduate, Gamon in the opening chapter of his account used careful, moderate but in fact all the more damning language about police/public relations in its 46 pages. Stressing the good, he the more effectively excoriated the bad, that is the venal, boozy, conniving bullies:

The police down East are no longer the servants of the community. They are masters; at the best kindly champions, at the worst tyrants. It is natural enough. They are a well-paid body of men, and in the social scale as high or as higher than most of those with whom they come into daily contact. They could scarcely be expected to simulate the humility that befits inferiors.³⁶

Gamon thought transfer to the LCC might help because

... the people would feel that, through their representatives, they themselves had control and would have a greater assurance that their complaints would be heard, and proper inquiries made; and the police would gain a larger measure of confidence and sympathy.³⁷

The second source is the series of articles published in the *Times* following the Report of the 1906 Royal Commission. Whilst the whole sweep of the articles was to second the clean bill of health that the Commission had given to the

³⁶ Gamon, H.R.P., *The London Police Court Today and Tomorrow*, Dent, 1907, pp. 23-4. See also biographical note at Appendix C.

³⁷ *Ibid*, p. 45.

force, the article's author nuanced his approach by making it clear in a number of ways that his own praise was accorded to the existing force rather than what it in some respects *had* been:

Twenty years ago it was the rule for a constable on the beat to perform his duties much more according to his individual taste and experience than he could safely do now. A complaint against him at the station would, of course, have been noted and, if serious, dealt with by the officer in charge, but the *esprit de corps* which has already been mentioned, and which must be, and ought to be, a strong force in police organisation, assumed proportions then which gave cause to many people to believe that policemen were a sort of secret brotherhood sworn by oath to hold one another blameless before the world. Any complaint, or even request for information from an officer in charge at a station, had to be made with careful and calculated deference by ordinary people...An appeal [to the Commissioner] indeed, then as now, was never made in vain if the accusation put forward were a true bill. But in the olden time the Commissioner was like the ancient gods, so far beyond the ken of ordinary mortals and policemen that his hand, though it was heavy on evildoers when it descended, did not often make its appearance.³⁸

The fact that evidence to the 1906 Commission discussed how the confrontations should be controlled gives clues to the character at least of some of the occasions. So, too, does the Commissioner's memorandum of 15 July

³⁸ *Times*, 25 December, 1908.

1899 deprecating the putting of irrelevant or insulting questions at confrontation.³⁹

Exceptional cases

The ordinary run of complaints case seems to have attracted little public attention. However, there were three rushes of cases in the 1880s, 1900s and the 1920s which attracted a great deal.

Miss Cass

Elizabeth Cass, a milliner originating from Stockton, was arrested on Jubilee night 1887 in Regent Street by PC Endacott and charged with soliciting. At Marlborough Street the following day she asserted amongst other things that Endacott could not have seen her on earlier occasions, as he claimed, because she had only been in London for three weeks. Her employer, Mrs Bowden, corroborated her claims that she was an entirely respectable person. In dismissing the charge, the stipendiary, Newton, cautioned her in widely reported language that, if she was an honest girl, she should not walk in Regent Street at night for, if she did, next time she was brought before him, she would be sent to prison or fined.

³⁹ MEPO 7/135. If the case later narrated by Harry Daley as occurring in the late 1920s when at the Hammersmith station ("mildly and cosily corrupt") was at all typical, nothing much had perhaps changed. Operating a police parking scam at the Olympia motor show, Daley was alleged by a member of the public to have accepted money from a motorist to extricate him from the too close parking to which he had by police action been consigned in the first place. The complainant attended the station by invitation and was then bullied and bamboozled by the Sub Divisional Inspector, keen amongst other things to defend his part of the scam's perquisites. Daley, H., *This Small Cloud*, Weidenfeld, 1986, Chapter 15.

Questions were tabled in the Commons and the adjournment moved on 5 July, 1887, urging inquiries into Newton and the PC's conduct. The lead in the proceedings was taken by a Radical barrister MP, Atherley-Jones.⁴⁰ The Home Secretary, Matthews, explained the current procedures but failed to resist pressure for an ad hoc inquiry following a division narrowly lost by the government. The inquiry was undertaken by the Commissioner sitting with a legal assessor in public with all the parties represented. It was unavoidably inconclusive. Endacott was charged with perjury and acquitted. Newton was reprimanded – privately. The Lord Chancellor, who should have known better, interviewed Cass himself and confessed himself impressed by her. The Home Office Permanent Under secretary, Lushington, despaired.

Apart from the incapacity of Matthews and the indiscriminating excitability of a Commons fully conscious of, and glad to play upon, Matthews' incapacity, the Cass case demonstrated nothing except the soundness of the principle (never mind the practice) of the existing procedures. As Howard Vincent, MP and former head of the Metropolitan CID pointed out during the Commissioner's abortive inquiry, it was not clear why the case had not been referred to the Treasury Solicitor so that he might decide whether Endacott should be prosecuted. As he directed Endacott's acquittal on the perjury charge, the trial judge, Stephen, was scathing of the Commissioner's inquiry:

That I must say is a very inconvenient way of administering justice...neither Parliament

⁴⁰ See Hansard, Commons, 1 July, 1887, cols. 1491-4. See also Appendix C for biographical note.

or the administrative department should attempt to hold trials...the course of holding a private inquiry, or an inquiry by a public authority, into the conduct of a man who is afterwards to be accused of a crime...is greatly to be avoided...the very fact that the statements were not put in seems to me conclusive proof that the investigation ought not to have been held at all.⁴¹

Pitts and Coverdale cases

Much the same issues were raised around the same time by two other cases which found their way into the press though not into Parliament. In the first of the two, an ex-Inspector Pitts in 1885 won a libel action at Croydon Assizes against a young woman, Emily Mitchell (thought by police to be respectable but a bit simple). Pitts (a married man of 23 years service) had been dismissed following his written confession that he had committed indecent assault upon her at a police station. In the libel action (where the Treasury Solicitor, who believing the defendant, funded her counsel), the jury accepted Pitts' claim that he had been out of his mind when he made the confession which he now denied. After much careful deliberation, which included the Home Secretary consulting the Solicitor General and thought being given even at that stage to prosecuting the Inspector, Pitts was granted a pension after a most reluctant Commissioner was brought to issue the necessary certificate that Pitts had served with diligence and fidelity – though so certifying only up to the day before Pitts' alleged offence. The Parliamentary Under Secretary, Stuart Wortley, put his finger on the crucial failing: "I confess I always feel doubtful about these cases in which the decision impugned is not that of a public tribunal." The

⁴¹ *Times*, 2 November, 1887.

Solicitor General agreed that the case should really have been put to the courts in the first place.⁴²

The case of Annie Coverdale raised in 1888 in the *Standard* newspaper some time after the Cass case turned on similar issues. In this instance a young woman accused of being drunk and disorderly was discharged by the stipendiary, Baggalay, who had addressed questions about Annie's way of life to the arresting PC Bloy after he had stepped down. Annie's father complained that his daughter had had no means of clearing herself from the insinuations it was considered Bloy had made. The Home Office sent Baggalay's notes to the Commissioner, Warren, for his comments. Scarred no doubt by the Cass case, Warren said he had no power to conduct an investigation into the conduct and character of the girl and sought explicit instructions "as to the form of the enquiry and as to the exact matters that are to be enquired into." A later letter, summarising further reports he had received, observed that at the court itself no-one could be described as in charge of the police case. The court Inspector had no standing, and Baggalay had not expressed disbelief in Bloy's evidence until after the case had been concluded.⁴³

Common to all these cases procedurally was a confusion between the disciplinary and prosecutorial roles of the police. This confusion had not always been one attributable to the police alone. Whilst that had certainly been so in the Pitts case, the confusion had been wished upon them in the Cass case and

⁴² HO 45/9961/X6760, minute of 13 August, 1885, and letter of 2 October, 1885.

⁴³ HO 144/474/X17970, Warren's letters of 23 and 28 February, 1888.

resisted in Coverdale. The confusion was not new. In 1868, apparently, a new Home Secretary (Gathorne Hardy) and the new PUS he had appointed (Liddell) got into a situation where Liddell had tried to investigate the veracity of a complaint by interviewing the parties. His inquiries were inconclusive, and the Home Secretary had concluded that, when a complaint amounted to a criminal charge, and where there was conflicting evidence, the Commissioner should not treat it as a matter of discipline nor should the matter be referred to an extra judicial inquiry unable to take evidence on oath or to take a final decision on the facts. The alleged offender should instead be put before the courts.⁴⁴

How could the confusion have arisen? There seem to have been two causes. The first arose from the fact that the police were themselves for most intents and purposes the public prosecutors of the day. Although in law each officer bringing a charge was indistinguishable from a private person initiating a complaint before a magistrate, in practice the police service had become the public prosecutor in the absence of any alternative. Until 1908, the services offered by the Treasury Solicitor and the Director of Public Prosecutions in his first incarnation were confined in practice to certain limited categories of case, and they were not conceived of as occupying any general advisory function.

The second cause stemmed from the force's internal imperatives of maintaining its own discipline. The number of forced removals from the force alone showed how seriously this function was taken. There was clearly a preoccupation with

⁴⁴ HO 144/17753/114A, undated memorandum under cover of a letter of 6 June, 1928, from Home Office to Law Officers' Department. The Home Office witness, Troup, giving evidence to the 1908 Royal Commission was aware of the 1868 case.

considering in any case the potential disciplinary consequences of any misdemeanour, and it seems that these considerations tended to drive out at times the public interest in staging prosecution. Moreover, this preoccupation overlooked the benefit even to the force itself of prosecution which was precisely that voiced by Stuart Wortley in 1885. This was that it conferred closure: a public tribunal with adequate powers to compel witnesses and secure sworn testimony was in a position to make judgments that stuck and could not be impeached. The fact that such a benefit was overlooked at times illustrates the extent to which the management of the force had become inward looking and incapable of considering interests other than its own. There seems to have been no concept of the legitimacy of a separate complainant/consumer dimension. The use of section 14 of the 1839 Act seems to have decayed to one where the police cited it as something for complainants alone to use.

In so far as this was true, it cast no credit on the Home Office. The Department had as little to do with complaints and discipline as it could, and did not conceive itself as having a duty to champion the otherwise un or under-represented complainants. As the 1880s cases show, the Home Office became involved at all only when it could not avoid it. There seem to have been only two recorded, spontaneous initiatives in the second half of the century. The first was its insistence in 1877 that the Commissioner should report all cases where he intended to dismiss men who had 15 years' service, the length of time which then qualified men for pension.⁴⁵ And the second concerned the inquiry in 1891

⁴⁵ HO 45/9438/65235, minutes of June and July 1877. Henderson's return of 18 July, 1877 for the years 1874-6 listed a total of 9 such dismissals "details of which will I think shew the Secretary of State that the punishment awarded was inevitable."

by Lushington, the Permanent Under Secretary, about the circumstances in which Wontners, the Commissioner's solicitors, had been employed to defend officers in court actions. The Commissioner's meticulous reply showed that there had been 39 cases during 1887-1891, and that Wontners had been engaged solely where cases had arisen from some act or alleged act done in the performance of duty. With evident relief, Lushington concluded that the response was satisfactory "I mean that the HO does not appear to have indiscriminately defended Police Constables."⁴⁶

The Royal Commission of 1906-8

Many of these issues came to a head in the work of this Commission. Its immediate origins lay in a series of allegations of police misbehaviour made in the Commons starting on 30 April 1906 and culminating in a statement by the Prime Minister on 14 May 1906 that there would be a Royal Commission to investigate the allegations supported by a Bill to give it the powers – essentially those of a court – to do so. The original allegations concerned two men arrested on Boat Race night for being drunk and disorderly and taken to Vine Street. To these were added allegations that the police had wrongfully arrested a Mme D'Angely who was acquitted of soliciting. Her successful defence had been that she had been merely awaiting her husband, which gentleman had supported her version. The acquittal meant that, although the police wanted a review, the allegations against the police could not be reviewed in a court.

⁴⁶ HO 45/9726/A52548, Commissioner's letter of 19 March, 1891, and minute of 1 May, 1891. It was, of course, the difficulty of explaining why police authorities stood behind officers in such cases that was the immediate precipitating factor behind the decision in 1959 to set up the Willink Royal Commission – see the debate on Garratt v. Eastmond, Hansard, Commons, 18 November, 1959, cols. 1239-1303.

Before the announcement of the inquiry, the Home Secretary (Herbert Gladstone) consulted the Lord Chancellor (Loreburn) as to its optimum form. In a thoughtful manuscript letter of three foolscap pages, Loreburn reviewed the options. Noting that the police wanted an inquiry so that “the public confidence should be restored to them”; he counselled resort to a general inquiry of some sort to “avoid the creation of a most mischievous precedent of giving practically an appeal to some authority outside of the law from some decision of a Court”. He advised strongly against a committee of the Commons (“a most unjudicial body”), and that the defect of a departmental committee was that it had no power to administer oaths. That left a Royal Commission but one supported, like the Royal Commission on Trade with South Africa set up in 1905, with a special act of Parliament. Loreburn was fully aware of the Cass case: “Nothing could be more regrettable in all ways than what was then done, even if it had been true that the magistrate was open to criticism, and I trust it will never be thought of again.”⁴⁷

The Royal Commission was set up with effect from 26 May 1906 and reported on 19 June 1908.⁴⁸ All its members were lawyers, and its chairman, D. Brynmor Jones, like some of the other members, was an MP. Apart from two sittings in camera, its other 64 sittings were all in public. It advertised for complaints and saw 292 witnesses. In its report it effectively ruled out examining general complaints where it took the view that the witnesses had no credibility. In all the

⁴⁷ BL, Add Mss 46018, letter of 12 May, 1906.

⁴⁸ *Report of the Royal Commission on the Duties of the Metropolitan Police*, Cd 4156; evidence Cd 4260 and 4261.

other cases it covered the ground in great detail, and found mostly, though not invariably, for the police.

The report has sometimes been regarded as a whitewash.⁴⁹ It did not rule out corruption in relation to bookmakers but ruled out systematic extortion from prostitutes. Otherwise, the Report certainly cleared the force's general conduct handsomely, and to the great relief of the Home Office. Gladstone's letter to the force was warmly welcomed by the Commissioner, Henry: "It would not be possible to employ more generous terms to express the very favourable opinion you have formed of the efficiency and character of the Force." He asked for permission to read out the letter to the Superintendents after publication of the Report but not otherwise to publish the letter.⁵⁰ Not only was the letter not published, there was at no time any reference to the Commission in Police Orders or the Commissioner's Annual Report.

An American observer of the European police scene in 1915, Raymond Fosdick, put much weight on the Commission's findings, and particularly the evidence from the National Vigilance Association and the Commissioner that

⁴⁹ For example, by James Timewell whose Police and Public Vigilance Society was represented before the Commission and who published a pamphlet (*Royal Commission upon the Duties of the Metropolitan Police: Suppressed Evidence*) in 1911 criticising its findings as fatally biased in favour of the police. More recently, in his *Policing Morals*, 1994, at p. 140, Stefan Petrow assumes from Brynmor Jones' letter of 5 November, 1907 to Gladstone (BL Add Mss 46064) that a whitewash was deliberately intended and encompassed. The letter is equally open to the interpretation that the writer was responding to a normal ministerial enquiry about progress where the subjects of the inquiry had expressed anxiety about an apparent lack of urgency in the Commission: "The report is indeed a stiff job. Every case requires careful thinking over. I am sorry that there is some unrest in the force. The evening papers have much to answer for... I shall do all I can to hasten the publication of the Report, but in view of possible attack it is very necessary to weigh every phrase." As ever in such instances, it depends where the observer starts from.

⁵⁰ BL Add Mss 46065, letter of 24 June, 1908.

there was no evidence of police blackmail of prostitutes.⁵¹ Nowhere in a somewhat tortured discussion of what he described as the question of police “integrity” – and where no doubt he wished to contrast the situation abroad with that at home – did Fosdick review procedural questions, such as the avenues for complaint and redress. By concentrating on larger, and vaguer, cultural phenomena – “rigid class distinctions” and the belief that the European police were inherently less open to temptation because they were “not called upon to enforce standards of conduct which do not meet with general public approval” – Fosdick allowed himself to settle comfortably for the “rotten apple” theory. Listing recent European corruption cases (including in Manchester and Carlisle), he concluded:

It is important to remember, however, that these instances are individual and exceptional. They by no means represent typical or general conditions. They are incidental to the employment of large groups of men in responsible positions.⁵²

In fact, the Report of the Royal Commission was something less than a total exoneration of the force if its meticulous review of the individual cases is alone considered.⁵³ As Atherley-Jones (the very MP who had carried the Adjournment against the government in the Cass case in 1887) pointed out in the scrappy Commons discussion, the force had been found wanting in nearly half of the 19

⁵¹ Fosdick, R. B., *European Police Systems*, Century, New York, 1915, Chapter X, pp. 372-3. Writing in 1882, on the other hand, Ballantine claimed to have witnessed such transactions: Ballantine, W., *Some Experiences of a Barrister's Life*, Bentley, 1882, p. 276. Perhaps they really had disappeared in the intervening 40 years, that is if they had not been figments of Ballantine's – admittedly hostile – imagination in the first place.

⁵² Fosdick, R. B., *op. cit.*, p. 376.

⁵³ It was not true that, as Troup, the Permanent Under Secretary claimed to the Home Secretary “The result is a complete vindication of the Metropolitan Police” – HO 45/10523/140292, minute of 22 June, 1908.

individual cases.⁵⁴ One of them, the Gamble case, revealed a serious assault on the complainant who suffered prolonged hospitalisation and a damaged urethra. The fact that the complainant did not come forward until discovered by the agent of the Police and Public Vigilance Society illustrates perhaps the confidence of ordinary working people in contemporary procedures. That fisticuffs between officers and civilians were expected as routine by supervising officers in the Whitechapel of the day could speak volumes of conditions on the street and the force's use of violence.⁵⁵

Whatever the view that now may be taken about the Commission's treatment of the individual cases, what also has to be considered is what it said about the system of complaints investigation. The Home Office witnesses took the view that the Home Office was an executive rather than a legal office with no powers to compel testimony. The Home Office PUS, Chalmers (a lawyer and former judge), doubted whether the Home Secretary had power to dismiss a Metropolitan officer rather than, or in addition to, the Commissioner's powers. The complainant's remedy was therefore via the courts rather than the minister. The Assistant Secretary, Troup (and Chalmers' successor), explained "...we do not consider the Home Office the disciplinary authority... and that if anybody came to the Home Office and said 'I have a complaint against a police

⁵⁴ Hansard, Commons, 29 July, 1908, col 1593.

⁵⁵ The case is dealt with at pp. 388–410 of Vol. I, Cd 4156. It receives particularly cavalier treatment at p. 229 in Fido M. and Skinner K., *The Official Encyclopaedia of Scotland Yard*, Virgin, 1999, though they report the subsequent conviction and imprisonment of the constable and sergeant involved. Tom Divall's breezy account of a pretty physical early career towards the end of the nineteenth century received rather queasy endorsement in the MP's Foreword in the year another Royal Commission reported – Divall, T., *Scoundrels and Scallywags*, Benn, 1929. The MP was Hayes, the former police union official.

constable' the natural or ordinary thing would be to tell him to go to Scotland Yard."⁵⁶ Troup said that the Home Office had received 14 complaints about the force in 1904, 20 in 1905, and 34 in 1906.⁵⁷

In a contemporaneous return initiated by Howard Vincent for each of the years 1903-05, a total of 378,000 arrests over the three years had resulted in only 78 not being justified, of which 67 of the 78 had in fact been refused at the station in the first place. Legal proceedings had been taken by private persons against 12 constables. Four of these cases had resulted in adverse findings: respectively, damages of one farthing each to pay own costs; damages of one shilling but no costs; £20 damages and costs (constable right to use truncheon but used it more than necessary); and one fine of 40/- or one month's imprisonment.⁵⁸

On the questions of general procedure, the Report agreed that the Home Office could do no more than refer complaints it received to the Commissioner. However, it recommended an important procedural change which was made possible by a quite separate initiative. This was the recreation on a new basis of the Director of Public Prosecutions (DPP). When the necessary legislation – Prosecution of Offenders (Amendment) Bill – was introduced by the Attorney General in March 1908, no mention was made of its possible relevance to

⁵⁶ *Report of the Royal Commission*, op. cit., Vol III, Evidence, Cd 4261, QQ47714, 47718 et seq., and 48164.

⁵⁷ Ibid, Q 48155.

⁵⁸ PP 1906 Vol. XCIX Return dated 13 June, 1906, to an Address of 15 May, 1906, by Sir Howard Vincent. Apart from this return and Lushington's 1891 concern about the use of public money to defend actions against officers, there seems to be no record of how often complainants pursued redress by civil actions.

complaints. Its rationale, rather, was tied entirely to the fact that the recently established Court of Criminal Appeal required all criminal appeals to be defended by the DPP and it had thus become necessary to separate the office once more from that of the Treasury Solicitor.⁵⁹ Concern from the Parliamentary Opposition was limited solely to the expense of the change.

Nonetheless, the revival of the DPP gave the Royal Commission an opportunity to engage an independent prosecuting authority which had not been previously available in the same way. One of the great problems confronting the construction of a manifestly independent system had always been the fact that, in the absence of a public prosecution system, the police had gradually assumed that responsibility. Whilst the recreation of the DPP did not establish a thoroughgoing public system in England and Wales, it did in principle provide a public function capable of offering an independent review. How satisfactorily it did that in practice was, of course, another matter.

Moreover, the Royal Commission did not stop there. Although it made much of the testimony before the 1834 Select Committee and printed material from the 1834 Committee's Report, it did not support stark reliance on the mechanism of section 14 of the 1839 Act where members of the public were left unaided to take their cases to a magistrate:

We do not think that the mere fact that a complainant may take legal proceedings if he

⁵⁹ Hansard, Commons, 24 March, 1908, cols 1239-40. Proceedings in the Lords were, apart from a brief explanation by the Lord Chancellor, entirely formal.

chooses should be a bar to his complaint being fully investigated and its truth decided by a Police inquiry. The remedy by civil action against one in the position of an ordinary constable is not effective, and the application for a summons in the Police Court entails expense, trouble and delay from which people naturally shrink. It seems to us, seeing that the Police are invested with large powers which may cause injury to private persons unless exercised properly and in good faith, that anyone who thinks themselves aggrieved by an abuse of those powers ought to have the right without embarking on litigation in the Courts to have such alleged misuse of power fully inquired into by the Chief Commissioner or a competent officer acting on his behalf. If during the course of an Inquiry it appears that the alleged misconduct amounts to a criminal charge and the evidence is conflicting, we think the Inquiry should be suspended and the facts should be reported to the Chief Commissioner, who should place them before the Director of Public Prosecutions. If no action thereon is taken by the Director of Public Prosecutions, the Inquiry should be subsequently continued and completed.⁶⁰

They went on further to recommend that the inquiries should be undertaken by an officer from a different Division who should report his findings with the evidence. Though they thought the confrontational procedure should be retained, they wanted to see the whole system under a senior officer – a recommendation acted on in 1909 by the Act which permitted the appointment of a fourth Assistant Commissioner. It was this officer who normally presided over the Boards of Discipline first established only in early 1908⁶¹ in place of a system where one of the Assistant Commissioners sat alone. The original Police Order of 1908 became elaborated by steps which tried to guard against collusion between officers and added to procedural formality amongst other

⁶⁰ PP 1908, Vol. L, Cd 4156, p. 143.

⁶¹ MEPO 7/70, Police Order of 8 February, 1908. An earlier recommendation by the 1879 Departmental Committee had not been acted upon.

things to protect the position of the officer in the event of later legal proceedings. As in 1834, the formal position by 1910 was impeccable:

The investigation must be conducted with impartiality and with forbearance towards the complainant. The object to be aimed at in the arrangements made should be to satisfy the complainant and the general public that complaints are fully and fairly investigated.⁶²

The Home Secretary, Churchill, challenged the discipline system but only from the point of view of asking whether it should not be *more* formal like the Army system. In a magisterial reply, Henry explained that the most severe sanction available was dismissal and a system which maintained discipline in a force of 19,000 men at the cost in 1910 of dismissing 19 and reducing 7 others in rank had some advantages over the judicialised military system which, of course, possessed full criminal jurisdiction. Churchill did not press the point.⁶³

It was not until 1919 that a uniform code of discipline for the whole police service became prescribed statutorily. This formalised Metropolitan practice which continued, if the disciplined officer insisted, to give a right of appeal against any punishment up to the Commissioner personally. But even the statutory system conferred no special judicial powers, though it did require the registration of complaints and the outcomes of disciplinary proceedings.⁶⁴

⁶² HO 45/10540/156320, Metropolitan Police General Orders, Paragraph 58, under cover of Commissioner Henry's memorandum of 10 October, 1910.

⁶³ Ibid, Henry to Troup, 27 March, 1911.

⁶⁴ S & RO 1920, No 1484, Paragraphs 13 and 15, and 25 and 26.

Later developments

This meant that there remained an incompletely structured interaction between disciplinary and court procedures. Two subsequent cases and a further Royal Commission illustrated why. The two cases were those respectively of Major Sheppard and Irene Savidge. Both resulted in tribunals under the provisions of the Tribunals of Inquiry (Evidence) Act 1921 because dissatisfaction remained after acquittals and there was no other established way of reviewing the proceedings. In the Sheppard case, an officer defended himself successfully at the Old Bailey in 1924 when accused of defrauding a prostitute but had been subjected, it was alleged, to unnecessarily prolonged detention at Vine Street police station and elsewhere after he had voluntarily surrendered himself. The inquiry was undertaken by a Silk who was also an MP. His six page report was damning “..the convenience of the police must not stand in the way of the liberty of the prisoner.” He noted also considerable apparent confusion amongst the police themselves about what exactly their powers were.⁶⁵

The case of Irene Savidge is, of course, the better known. A charge of public indecency in Hyde Park against her and a former MP, Sir Leo Money, was dismissed by the magistrate at Marlborough Street in May 1928 but great exception was taken to the way in which an officer, Chief Inspector Collins, acting on behalf of the DPP, interrogated Savidge when pursuing the possibility of charging with perjury the two constables who brought the original case. The three man 1921 Act tribunal split: the majority exonerated Collins; the minority

⁶⁵ *Arrest of Major R.O. Sheppard DSO RAOC*: Report by the Rt Hon J.F.P. Rawlinson KC MP of Enquiry held under the Tribunals of Enquiry (Evidence) Act, 1921. PP 1924-4, Vol. XV, Cmd 2497.

of one (Lees-Smith, MP) judged Collins to be a liar inspired to exculpate the constables by bamboozling Savidge into a statement which effectively made proceedings for perjury impossible. The minority report – a remarkably clear-eyed and principled document⁶⁶ – went on to raise fifteen substantial questions about law and procedure that the writer thought flowed from the events.⁶⁷ The government's response was to set up a Royal Commission essentially to consider those questions.

One of the fifteen questions was "Should the DPP be furnished with a staff that will enable him, when deciding the question of a prosecution for an offence in which police officers are concerned, to conduct his inquiries and take proofs without depending on the police for assistance?" This was not in fact the first time that the possibility of independent investigation had been raised by an MP. In the debate on the 1908 Royal Commission Report, Atherley-Jones had pressed the same point only to be brushed aside by the Home Secretary, Gladstone.⁶⁸ In its Report of 1929, the Royal Commission gave the suggestion no more room than Gladstone:

This suggestion is based on the assumption that the police cannot be trusted when it is a matter of prosecuting one of their own Force. No evidence has been submitted in support of this assumption, which in our view is disproved by the particulars furnished to

⁶⁶ Albert Lieck, who was the Clerk at the original hearing, attended the tribunal and was impressed by Lees-Smith's performance. See Lieck, A., *Bow Street World*, 1938, p. 214.

⁶⁷ *Report of the Tribunal in regard to the interrogation by the police of Miss Savidge*, Cmd 3147, PP 1928, Vol IX.

⁶⁸ Hansard, Commons, 29 July, 1908, cols 1592-1605. Atherley-Jones was also highly critical of the Home Office: "...the Home Office, whose duty was to protect and vindicate the public, abrogated its duty and handed it over to one it was supposed to supervise, and the entire investigation was left to the Chief Commissioner."

us of cases in which prosecutions of Policemen have been instituted in recent years and in which the investigations have all been carried out by the Police themselves. We prefer to continue to trust the Police, in the belief that, having responsibility for their own discipline, they will discharge it more faithfully in the absence of interference from some outside authority. A divided responsibility is always weak.

They went on, however, to recommend some handling improvements in relation to informing the public of outcomes and the strengthening of senior officer supervision. They also recommended that the Home Secretary should be given power to set up an inquiry into police discipline or administration with powers to take evidence on oath.⁶⁹ The last recommendation, as with so many from this Commission, was not acted upon.

Overview

From the beginning, it is evident that police and the public's perspectives on complaints were not identical. For officialdom, procedurally complaints and discipline were irrevocably intertwined: complaints, indeed, were discipline so to speak. As the Home Office memorandum to the 1929 Royal Commission put it:

The object of the Chief Officer of Police in the investigation of... complaints, and his primary responsibility, are to maintain the efficiency and good discipline of his force, rather than to provide redress for persons who have, or think they have, a grievance. Incidentally, the latter purpose as well as the former may be served, and to this extent the procedure supplements the right possessed by every citizen to seek in the courts

⁶⁹ *Report of the Royal Commission on Police Powers and Procedure*, Cmd 3297, PP 1929, Vol. IX, paras 283, 284 and 291.

any remedy or redress the law allows if he considers he has suffered in person, property or reputation by any act or omission of a member of a police force.⁷⁰

For the bona fide public complainant whose encounter was likely to be a one off experience, the requirement was both unstructured and uninstructed. The object sought varied on an extensive continuum. At one end, all that was desired was some kind of just satisfaction of a wrong righted, without necessarily wishing to initiate or to become involved in a formal, judicialised process. At the other, perhaps more sophisticated, extreme was a determination and the resources to press for redress if need be in the criminal or civil courts. Finally, the whole aura of formality was reinforced to some extent by the very ambiguity of the term “complaint”: in ordinary judicial usage it meant the act that initiated the court process, and this meaning would have been ever-present in the minds of police officials.

This was no doubt one of the factors that contributed to the formality that seems to have accompanied complaint consideration from the outset – that and the fact that the inescapable intertwining with disciplinary consideration necessarily implied something more than a weightless administrative process. If an officer was in jeopardy of losing his job, possibly even his liberty, then contemporary standards of procedural fairness became engaged. Curiously, it was the Home Secretary’s violation as the Commissioners saw it of such – at the time not too exacting – standards that nearly provoked their resignation in 1834 over the Ruth Morris case. But the people in the best position to insist on

⁷⁰ HO 45/25860/526251/19, memorandum of 5 October, 1928.

high standards of procedural formality in their own interests were, of course, those involved in the processes continuously, that is to say police officers themselves. The pressure from them is detectable in police journalism from its inception and became institutionalised in the form of police unionism sanctioned from 1918.

The result was that the police acquired a right to independent review of discipline before the public, except where the latter took cases to the courts, and that way acquired independent review of their complaints.⁷¹ What killed confrontation was not public withdrawal but, as the Commissioner explained to the Willink Royal Commission at the beginning of the 1960s, the desire to protect the rights of police officers and keep the way open to disciplinary sanctions.⁷² Neither a confrontation procedure nor the sort of tribunal recommended by the 1929 Royal Commission was satisfactory because, without some harsh inroad into the protection granted to a defendant under the discipline regulations, further disciplinary action would be impossible. For very similar reasons, the Willink Royal Commission rejected the forms of independent review suggested to it on the grounds that “the appearance of greater justice to the public is liable to be bought at the expense of the police.”⁷³

⁷¹ Significantly, the Howard League in its evidence to the 1929 Royal Commission urged that dissatisfied complainants should be given a right of appeal to a tribunal on the model of the police discipline appeals tribunal set up by the Police (Appeals) Act, 1927. See HO 45/25860/526251.

⁷² *Royal Commission on the Police (Final Report)*, 1962, Cmnd 1728; Evidence, Memorandum by Metropolitan Commissioner, para 74, p. 1163.

⁷³ *Ibid*, Report, para 430.

At the same time, it should not be overlooked that this ever-present procedural formality was accompanied by what would nowadays be called a management perspective. That is, complaints could be seen as a significant barometer of public satisfaction, and give opportunities to respond and to correct. This seems certainly to have been the case for the early Commissioners, concerned as they were to bolster their creation's legitimacy. It was also grasped by Henderson (1869-86) in what he looked for in his District Superintendents and by Henry (Commissioner 1903-18), though greatly disliked by his successor but one, Horwood (1920-8), who used his Annual Report for 1922 to attack "the less reputable journals" for making allegations of corruption and then refusing to reveal their sources.⁷⁴ It transpired he also actually prevented the kind of sting operation that was alone likely to – and eventually did - produce positive results in an area like the Public Carriage Office.⁷⁵

Finally, however, to concentrate on procedures alone is like describing Parliament without the politics. Policing in London remained an intensely political business. That is why the executive continued to keep direct control and why the elder Gladstone did not in the end use his generally unchallengeable authority in his second ministry to force the Home Secretary to give up the Metropolitan police to municipal control. From towards the end of

⁷⁴ Commissioner's Annual Report, 1922, Cmd 1904, p.3.

⁷⁵ HO45/25425/440186, letter of 23.7.1929 from Elliot (Assistant Commissioner) to Home Office. It was suspected that police at vehicle testing stations were taking backhanders from applicants. (On a visit, Elliot had been tipped a florin by an applicant mistaking his function and standing.) Horwood in an official Yard minute had said that, unless a correspondent identified himself, his allegations should not be investigated. Horwood's successor, Byng, took a different view. Wensley (one of the most senior detectives) was brought in; traps were set; convictions followed. In his memoirs, Wensley makes no mention of the case. The only police corruption he appears to contemplate is that of the over-zealous and unscrupulous detective officer - Wensley, F.P., *Detective Days*, Cassell, 1931, pp. 281-2.

the nineteenth century there can be detected language used to refer to the Metropolitan police as an imperial force and as somehow representative of the good order and government conferred by the United Kingdom on *all* its territories. It followed that in political representation its reputation had always to be restored and the public reassured. State officers exercising a command authority had necessarily to be represented as men of reliable public-spirited capacity who could be trusted. How else could the Empire be run?

The consciousness of being engaged in such endeavours comes over clearly in the 1908 and 1929 Royal Commissions. In the first case, a fairly large number of individual cases were meticulously examined and, although by no means all left the police without blemish and some general corruption was acknowledged to exist, the public was nonetheless reassured in ringing tones that all was well as a whole. In much the same way, despite a long run of allegations of corruption, the police had been loyal during the General Strike and the chairman of the 1929 Royal Commission made it clear from the beginning that he knew his duty:

...our main effort must be to find means of restoring that mutual confidence [between police and public] which has been so striking and happy a feature of our national organisation, and in the absence of which the very bases of our social fabric will be undermined and even gravely imperilled...law-abiding citizens, who are the vast majority, do not wish to see the Police discredited. The criminal classes no doubt would

like nothing better, but it certainly will not be the purpose of this Commission to play into their hands.⁷⁶

Of course, this has to modern ears an unbearably self-satisfied and patronising tone. It was also no doubt associated with a not unfriendly but also none too patient paternalism of the sort that that can be heard in the evidence of the Chief Constable of Liverpool to the 1908 Royal Commission:

I find, especially among the lower orders, all they want is an opportunity of making their complaint, and even if they are told they are not believed they have some satisfaction.⁷⁷

Conclusions

The temptation to moralise on the subject of complaints, granted particularly its modern salience in police/public relations, may be thought difficult to resist. The haphazard, almost casual, development of what remained unsatisfactory arrangements by the end of the period suggests an insensitivity to public feelings and the public interest that would not nowadays be entertained.

Putting any anachronistic indignation aside, however, there are perhaps two dimensions that might be singled out. They are how the relatively inchoate arrangements for prosecution affected questions of police discipline, and the extent to which conditions of limited democracy affected political perceptions. The former concerns largely technical and legal issues, and the latter wholly political questions.

⁷⁶ *Royal Commission Report* (1929), Cmd 3297, Chairman's inaugural statement, p.126.

⁷⁷ *Royal Commission* (1908), Evidence, Cd 4261, Q 39637.

As to the first dimension, it is evident that prosecution and discipline became greatly confused in a situation where the police by default in fact took over the public prosecuting role. Resort to section 14 of the 1839 Act – never exactly friendly to the complainant - had plainly atrophied by the turn of the century. The creation of the Director of Public Prosecutions in 1878 did not, initially, end that confusion. The different muddles over the Pitts and Cass cases both make the same point: police thinking in practice conflated the two responsibilities, and as a result left little room for management manoeuvre or the complainant perspective.⁷⁸ Whilst Commissioners did appear to manoeuvre flexibly and with considerable determination into the 1840s, this personal involvement could not survive the sheer growth in the size of the force – a point made forcefully to Mayne by an MP in 1853.⁷⁹ And the fact is that the small tier of senior officers from Chief Constable upwards never re-established the same degree of oversight in later years. As Gamon pointed out:

Largely ex-commissioned officers of the army, they are of a different cast of thought and complexion from [the constable]. Questions of high policy and discipline are submitted to them; but their presence is not very real to the ordinary P.C. It is to the superintendent and the inspectors that he looks up.⁸⁰

As to the second, political dimension, the attitudes of the Home Office and

⁷⁸ For an account of how and why such confusions persisted up to the present and with what result, see Smith, G., "Police Complaints and Criminal Prosecutions", *Modern Law Review*, 2001, pp. 372-392.

⁷⁹ CF CRL 3126, letter of 23 May 1853 from Sir R. Inglis MP to Mayne.

⁸⁰ Gamon, *op.cit.*, p. 16.

police and Royal commissioners do not suggest people impelled to be eager rooters out of iniquity. Henderson's satisfaction with the tone that the District Superintendents had brought was a satisfaction entirely with the way their attendance on respectable complainants helped to resolve matters. Both Warren and Horwood sought to ignore anonymous complaints. There was not any, let alone any significant, Parliamentary pressure to oblige the Home Secretary to press the Commissioner on the implementation of force policy. Very few complaints were received in the Home Office, and it chose to take a limited view of what its role in such matters should be.⁸¹ One stipendiary, Cluer, was alone amongst his bretheren in alleging weak and collusive management:

...instead of people being... dismissed for serious misconduct they are merely transferred to other divisions and allowed to see if they can delude another magistrate instead of the one who found them out...Anything that could raise the standard of truth telling, accuracy and a sense of their duty towards the public, from the Commissioner downwards, I think is the only comment I can suggest that would assist the organisation and working of the police force but that is a very important point.⁸²

⁸¹ See evidence of the Permanent Under Secretary, Chalmers, to the 1908 Royal Commission. He maintained that the Home Office was purely an executive rather than a legal office. It had no powers to compel, and all investigations had to be made through the Commissioner. The dissatisfied complainant's remedies lay through the courts e.g. in actions for perjury or civil damages. See exchanges in Cd 4261 from Q 47718.

⁸² Ibid, Q 44985.

In principle, force policy in respect of investigation could not be faulted. General Orders said all the right things about getting to the truth, but not everyone was convinced that police investigators actually got there reliably and often enough. James Timewell of the Police and Public Vigilance Society was humoured by the 1908 Royal Commission but not won over:

Yet few as the investigated cases are, it would be difficult for an impartial person to read the two volumes of evidence...without realising that , so far as the police authorities are concerned, the foundations of our national glory may be destroyed, morality become a by-word and justice laughed to derision if only certain classes of the public, who really count, can be further deluded so that the reputation of the Metropolitan Police force can, by any means, be publicly maintained.⁸³

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Effective political citizenship in a society which in 1908 still denied the vote to half the adult population because of their gender and still withheld it from many other adults was a limited force. Those who did have political influence were not going to press too far routinely in the case of the very agency they saw as the key to maintaining a public order they regarded as more fragile than is the instinctive case now. In that sense, the handling of complaints may be seen as highly sensitive to the extent to which different social groups become securely incorporated into the political society. The process (for example, the Stephen Lawrence case⁸⁴) is a continuing one, and some consciousness of it may have been why Henry did not publish to the force or otherwise make public use of the

⁸³ Timewell, op. cit., p. 6.

⁸⁴ *The Stephen Lawrence Inquiry: Report of an Inquiry by Sir William Macpherson of Cluny*, Cm 4262, 1999.

Home Secretary's effusive congratulatory letter on publication of the 1908 Royal Commission's Report. From that perspective, it is perhaps easier to understand both why the police monopoly of the investigation of complaints lasted for so long and why, in the recent form of the Independent Commission for the Investigation of Complaints against the Police, it has come to an end.

CHAPTER 6

POLITICAL CONTROL

The said justices may from time to time, subject to the approbation of one of His Majesty's principal Secretaries of State, frame such orders and regulations as they shall deem expedient, relative to the general government of the men to be appointed members of the police force under this Act; the places of their residence; the classification, rank, and particular service of the several members; their distribution and inspection; the description of arms, accoutrements, and other necessaries to be furnished to them; and which of them shall be provided with horses for the performance of their duty; and all such other orders and regulations, relative to the said police force, as the said justices shall from time to time deem expedient for preventing neglect or abuse, and for rendering such force efficient in the discharge of all its duties; and the said justices may at any time suspend or dismiss from his employment any man belonging to the said police whom they shall think remiss or negligent in the discharge of his duty, or otherwise unfit for the same; and when any man shall be so dismissed, or cease to belong to the said police force, all powers vested in him as a constable by virtue of this Act shall immediately cease and determine. (Section 5, Metropolitan Police Act, 1829)

This chapter investigates the legal basis of the relationship between government and the Metropolitan police at a political level, and how it operated in practice. Earlier chapters have examined the significance of Home Office appointment practices in the case of the most senior officers, and the history of funding. Both of those perspectives reflect individually on aspects of the higher "constitutional" issues that this chapter seeks more synoptically to explore.

It will be argued that the appearance of continuous control by a senior Cabinet minister was for most purposes a fiction; that the Commissioner had greater autonomy than the Chairman of the Prisons Board although the latter had a larger responsibility; but that certain kinds of crisis were capable of engaging

the undivided attention not only of the Home Secretary but that of the Prime Minister too. The absence in London until after 1888 of any directly elected local government agency as a credible alternative to direct control by the executive meant that there was no challenge to Home Secretary control for the first 60 years. And after that, although as Chapter 7 explains, there were some aspirations to local authority control, in fact no political groupings emerged that were able to change the situation.

Examining the relationships requires looking at both the formal and informal aspects, especially at those moments when the relationship was most tested by particular events. In effect, this means paying attention to public crises because they posed the greatest difficulties to police and politicians. However, those crises themselves need to be placed in the context of normal expectations so that how the balance of responsibility and accountability was struck in crisis may be judged more securely within the wider context.

The law

During the whole period there was no material change in what the law laid down. The Metropolitan Police Acts of 1829 and 1839 continued to express the statutory position. Although there were a number of subsequent statutes, none trenched on the original settlement. Indeed, it could be argued that the 1839 Act did nothing to alter the political settlement inherent in the 1829 Act though it did, of course, by distinguishing between the executive and the judicial functions of the London stipendiary magistracy, change the status of Rowan and Mayne and mark this fact by henceforward styling them "commissioners of police". Later

statutes (there were 24 altogether during 1829-1912) dealt, for example, with finance, the rank structure above Superintendent and the legal status of the Receiver, but none revisited the 1829 settlement.

The core of that settlement was that the force was a body directed by the Commissioners with its officers answerable to the courts but all under the control of the executive. As can be seen from the quotation at the head of this chapter, section 5 of the 1829 Act put matters very comprehensively. Section 12 made it clear that the Commissioners had no role in determining pay or rewards, though they were given the power of certifying expenses in certain circumstances.

What the Act did *not* do was lay down the executive's duties to the force. Indeed, it implicitly suggested that the Secretary of State's role was entirely passive. That is, whilst he responded to and judged the initiatives of others, he did not himself take the lead. Thus, although his power was in a number of ways absolute (for example, he could advise the Crown summarily to dismiss the Commissioners), he could not – statutorily at least – oblige the Commissioners to submit orders even if they could make none without his approval. In particular, the statute gave the Secretary of State no apparent authority to give directions in operational matters. On the face of it, section 5 seems entirely concerned with administrative matters – significant, vital even for the force, but still not issues comprehending operational command.

On the other hand, of course, all that this legalistic observation does is immediately draw attention to the question of how did the relationship work in practice. The short answer is that it flourished for so long as Commissioners retained the confidence of a Home Secretary who, whatever his personal qualities, enjoyed Parliamentary security. (It was irrelevant whether the Home Secretary retained the confidence of Commissioners.) And the reason for this situation was that, in the end, the political process demanded the appearance of a final, accountable authority that could be manifested only in the person of the Home Secretary.

How this operated, and how it was recognised as working, are vital questions. It has been maintained elsewhere that in the Home Office¹ the permanent officials became dominant in the relationship between executive bodies and ministers. The situation of the Metropolitan police was not dissimilar from that of the Prison Commission from 1878, that is a large, autonomous body functioning within the criminal justice system, ultimately controlled by the Home Secretary. Its senior police and civilian officers were, for example, treated as members of the Home Office, and appeared in the published Home Office Lists with Home Office headquarters staff, factory inspectors, London magistrates' courts' clerks, and Prison Commission staff. Even though the buildings from which they operated changed location, the Metropolitan police headquarters throughout the period was merely a short walk in Whitehall from the Home Office.

¹ McConville, S., *English Local Prisons 1860-1900*, Routledge, 1995, Chapter 12.

There were, however, some important differences. First, although there was some confusion over the issue until the 1870s, Metropolitan police staff were not civil servants. The constables held a personal, legal office under the crown. The Commissioners and Assistant Commissioners held statutory offices and were all (until 1972) also magistrates. The civilian staffs held office under statute and not under the Crown. Prison Commission staff, on the other hand, clearly were civil servants, that is, they were servants of the Secretary of State and paid entirely from funds voted by Parliament. Indeed, it had been the specific purpose of the Prisons Act 1877 to nationalise the local prison system, amalgamate it with the convict prisons and, as a result, make Parliament responsible for the whole cost. One of the outcomes was that, although the Permanent Under Secretary could act on the Home Secretary's behalf and was the latter's senior official adviser on police matters within the Home Office, he was not the superior of the Commissioner in the way that, ultimately, he was in the case of the Chairman of the Prison Commission. He could not, in other words, give orders on his own authority to Commissioners of Police. It followed that other civil servants in the Home Office were in the same position. Conversely, it meant that Commissioners could be overruled by the Home Secretary alone, and that, if they wished, Commissioners could, however unreasonably, insist on submitting questions to the Home Secretary personally for decision.

Finally, however, there are two glosses it is necessary to bear in mind. First, although with modern eyes section 5 of the 1829 Act may now be read as conveying administrative powers only, it has to be seen alongside a

contemporary acceptance of the Secretary of State acting, and being expected to act, spontaneously in an executive capacity which it was unnecessary to express on the face of the statute. Roles and functions, which have subsequently become more distinguished and discrete, should not be anachronistically anticipated.²

The second gloss concerns the role of the Receiver. It will be recalled from Chapter 3 above that, on the face of things, he was merely the accountant and the functionary who, for want of any viable alternative, substituted for a local authority capable of giving financial and logistical support to the force. He existed because of what has been noted as a “shortage of agency”³ in the early modern state. His role was preceded in the Acts which had since 1792 established the stipendiary Police Offices in London, and it was repeated in the temporary Acts which, because of local and relatively short-lived crises, in 1839 established forces in Birmingham, Bolton and Manchester.

Although the legislation was silent on the matter, the Receiver began increasingly and explicitly to be called upon – willingly enough – to act as the guardian of the Home Secretary’s interests in the force, and in ways that were bound to have more than financial implications. This meant that, although Home Office officials could not command Commissioners, they were able to challenge them because the undertakings of Scotland Yard became transparent – to

² The situation is discussed at greater length in Lustgarten, L., *The Governance of Police*, Sweet and Maxwell, 1986, pp. 34-6, relying much on Plehwe, R., “Police and Government: The Commissioner of Police for the Metropolis”, *Public Law*, 1974, pp. 316-335.

³ Prest J. *Liberty and Locality*, Clarendon, Oxford, 1990, p.3.

Home Office officials if to no-one else. The corollary was that Commissioners, although they seemed able to tolerate the appointment of Home Office officials like Anderson, Thomson and Elliot as Assistant Commissioners who were clearly subordinate to them, continued to fret at the Receiver's role and – from even before the arrival of civil servants in their own headquarters – sought from time to time to establish themselves as complete masters, as they saw it, in their own household. Whether individual Commissioners took active steps depended, of course, on personality (theirs and Receivers'), incident, and opportunity.

Home Secretaries

The origin and character of Commissioners and the next most senior officers has been explored in Chapter 1 above. To approach an understanding of the dynamics of their relationship with the political heads of the Department, it is necessary also to consider the nature of successive Home Secretaries and, above all, the experience they brought to their duties.

Taking in each case for 1860-1920 the whole duration of their several appointments, 22 men held the office on separate occasions between 1859 and 1922. The average length of occupancy was 32 months, rather closer perhaps to current durations than might be casually expected. However, that bare average is by no means the whole story. For example, although Spencer Walpole held office for only 10 months July 1866-May 1867, he had by then been Home Secretary twice previously – in 1852 and 1858-9 (12 months). Even longer service on one occasion might overlay considerably greater previous

experience. George Grey, Home Secretary 1861-6, had also occupied the office 1846-52 and 1855-58, that is, for a total of nearly 14 of the 21 years 1846-67. Such length of service was highly unusual, and was sufficiently rare to catch out the normally canny Mayne who, banking partly no doubt on the customary rate of Home Secretary turnover, took advantage of a heavily qualified arrangement reached with George Grey only to find him still in post when Mayne's version of the arrangement was later challenged.⁴

Moreover, although they may not have been what Lord (Roy) Jenkins has called "recidivist" Home Secretaries, a number had had experience as the Parliamentary Under Secretary in the Home Office. Gathorne Hardy, Bruce, Cross, Ridley, Herbert Gladstone and Samuel (that is, more than a quarter of the total) had all had that experience.⁵ Lastly, it is relevant to record that one Parliamentary Under Secretary – Stuart-Wortley – not only served an unusually long tour during 1886-92 but had also had previous experience in the role shortly beforehand during 1885-6 for a little under 8 months.

Finally, it would be misleading to concentrate wholly on Home Office experience. Rarely was a Home Secretary a complete stranger to office even if it had been elsewhere. Both Cornwall Lewis and Lowe had been Chancellors

⁴ "This I never saw before" – Minute by Grey on a memorandum of 5 January, 1850, by Mayne describing the division of duties between himself and the other Commissioner, Hay, appointed to replace Rowan. (HO 45/3324.) Since 1848, Mayne had been campaigning to become the Commissioner in sole command even if the law were unchanged – as it was eventually in 1856 following Hay's death in 1855.

⁵ In a memoir, Bruce records that one of the immediate pleasures of his own appointment was receiving a visit from his much revered former chief, George Grey. Bruce, H.A., *Letters of the Rt Hon Henry Austin Bruce GCB, Lord Aberdare of Duffryn*, Oxford, 1902, p. 259.

of the Exchequer, Childers had held both the Services' posts, and Akers-Douglas and Herbert Gladstone had been chief whips as well as having had other ministerial experience, Gladstone also as his father's private secretary. In addition, whilst an absence of ministerial experience was viewed as a handicap in the case of Matthews (1886-92), it was no evident handicap in the case of his successor, Asquith. Nor was a legal qualification a prerequisite or – Matthews again – a guarantee of success.

Parliament

Parliament had a much more significant role in relation to the Metropolitan police than in the case of the other forces in Great Britain. The provincial police legislation delegated local control to the local authorities of the day, subject to limited rule-making powers given to the Home Secretary. Throughout the period, there were in effect two distinct forms of local control: in the boroughs, the chief officer was subject to the orders of the watch committees, whereas in the shires the chief constables had more managerial and operational autonomy. Efforts to consolidate arrangements on the shire model in the 1856 Constabulary Bill were unsuccessful, and the dichotomy persisted until the Police Act 1964.

In London, however, statutory and therefore Parliamentary control continued throughout the period to be of a wholly different order of detail. The numbers of the most senior officers and their pay was specified in statute. It therefore took statutes to create two posts for Assistant Commissioners (and thriftily abolish the post of Inspecting Superintendent created in 1839) in 1856, and to establish

additional single posts in 1884, and 1909. Part of Howard Vincent's difficulties during his headship of the newly created CID during 1878-83 was that, although styled "Director of Criminal Investigations", he was in law neither a constable, nor a magistrate, nor any kind of statutory officer. This situation was remedied only after his departure by the 1884 Act that enabled his post to be occupied by an Assistant Commissioner. Moreover, the Treasury subvention from 1833 meant that, not only was the Home Secretary required under the 1829 Act to seek Treasury approval for certain kinds of expenditure, but Parliament had also from the late 1850s to approve Supply. In addition, of course, the Home Secretary was directly answerable to Parliament at any time for his stewardship of the force.

It was this last point that was routinely urged as demonstrating that there was no accountability deficit in respect of the force. It was maintained that municipalisation (see Chapter 7 below) was not a necessary prerequisite of accountability when the Home Secretary himself could be brought to the House. Indeed, it could be and was argued that municipalisation would diminish accountability because it would substitute a weaker and less satisfactory form. Harcourt's inability to conceive how a Home Secretary could – above all during a Fenian bombing campaign – give up his role and still be accountable for police performance was one of the principal reasons why London local government reform was so delayed in Gladstone's second Ministry, and why when it came the Bill left London policing alone. It was a Conservative government that established a council for London in the end, and – unsurprisingly – a council with no police responsibilities, though it did take over

some of the “local authority” functions (for example, for smoke abatement and common lodging houses) hitherto managed by the Metropolitan police in default of any acceptable alternative local agency for London at the material times.

The view that Parliamentary accountability was superior to a local form did not go unchallenged. It was an axiom of the principal municipal campaigners from the 1860s that a new London authority should have control over policing⁶, and this case was accepted in principle by Gladstone. In fact, it is possible to argue that the superiority of Parliamentary accountability was never entirely accepted. Chapter 4 has recorded how the introduction of the Treasury subvention in 1833 was seen by some at the time not as an act of government generosity but as a stratagem for buying continued acquiescence in direct rule by the executive. As noted in the same Chapter, whilst it is true that there was ultimate Parliamentary control, it was not available in a form which was, or could be, exercised in any continuous way at the level of making the Home Secretary’s stewardship truly accountable. In theory, it therefore followed from this that, if the Home Secretary did not make the Commissioner accountable to him in practice as well as in law, then the Commissioner was accountable to no-one.

The Home Secretary was unquestionably a senior and highly influential figure throughout the period. But there was a paradox about his position so far as oversight of an executive organisation was concerned. This stemmed from the fact that the very diversity and ubiquity of the responsibilities that made him

⁶ Firth J.F.B., *Municipal London*, Longmans, 1876, was probably the most complete statement of case by one of the most persistent campaigners for change.

such a significant figure led also to endless but fundamentally discontinuous absorption in an extraordinarily wide range of issues. This problem of distraction illustrated, of course, a great if undeclared truth, that is the impracticability of the Home Secretary giving anything like the degree of attention to the detail of the management of the force hypothesised in the 1829 and 1839 Acts. Except in the kind of crisis where he had time for nothing else, he was bound to be looking elsewhere. And if this was true for the Home Secretary, it was true also for Parliament. Neither the Minister nor Parliament was fitted to discharge the management oversight functions which developed as the force itself grew in response to the rapid urbanisation and population growth of the area it served. Whereas it was possible to regard effective oversight on this model as feasible in 1829 for a force of 800 (and it is plain that Home Secretaries, including Peel, experimented in London with models of executive control in the 1820s where the conductor of the patrolling forces was William Day, an official in the Home Office)⁷, it increasingly required collusive fiction to accept it as adequate from the 1860s.

Routine

Ordinary business was conducted by correspondence. For 1829-1840 the exchanges appear to have survived intact.⁸ Letters were despatched under the signature of the Commissioners and the Receiver, and replies were sent signed by the Permanent Under Secretary. Very occasionally the papers contain notes of a less formal kind from the chief clerks respectively of the Commissioners

⁷ See generally HO 61/1.

⁸ HO 61/1-28.

and the Receiver, but in no case did they deal with substantive business. Even more rarely is there any evidence that the Home Secretary himself became involved. Typically, in the early days the correspondence concerned the taking of leases on property, the grant of contracts for clothing and so on, exceptional monetary awards of some kind to officers, and such matters as the approval of the appointment of divisional surgeons and of individual constables in the form of a list of names submitted weekly. The comprehensive requirement of section 5 meant that there was almost no matter involving the management of the force that could not spawn correspondence with the Home Office.

The Home Secretary personally approved – though in what appears to have been by means of formality only - the issue of the quarterly rate warrants.

Unusual delay in reply or the temporary disappearance of the relevant papers usually signified something more directly involving, for example in the run up to the 1833 Act which resolved the financial crisis of that year and established the precedent of state subvention. No office diaries of the period survive, and it is therefore impossible to be sure how frequently Commissioners met the Home Secretary, or to what extent such meetings were placed on a regular basis. The papers very occasionally mention a meeting for a particular purpose, and it appears that Cross held regular meetings in the late 1870s with the Commissioner and the Receiver as a way of clearing up matters not suitable for correspondence alone⁹. On the other hand, Graham in 1845 told the House of Commons that he had never met the Receiver.¹⁰

⁹ HO 45/9755/A60557, Cross to Liddell 19 June, 1879.

¹⁰ Hansard, Commons, 21 July, 1845, col. 805.

The degree of personal contact must have depended considerably in practice on how individual ministers preferred to do business, the extent to which events required urgent consultation, and the character of the personal relationship. Of Hardy, it was said by his son that Mayne was “an old friend of my father’s family, and had held his new Chief as a child upon his knees”.¹¹ Bruce apparently regarded his appointee, Henderson, as a personal friend¹², and so did Childers (“an old friend”) who dismissed him.¹³ It seems likely that relationships in this case as with social behaviour generally became less unbending in the later nineteenth century and beyond. Herbert Gladstone’s correspondence is, for example, peppered with notes from Henry reporting on particular assignments that had taken him out of London. It has also to be borne in mind that Commissioners were public figures participating, like Ministers, in all kinds of public events (for example around the Palaces and the diplomatic community), and there would have been chance meetings in addition to more formal occasions.

It is equally unclear how well Home Office officials and Scotland Yard staff were acquainted. Granted their close physical proximity and the need to be in touch virtually daily, it must be reasonable to assume that they would have got to know each other very well indeed. The tone of the informal letters from the earliest days is friendly. Fry, one of the Commissioner’s senior clerks, had no

¹¹ Gathorne-Hardy, the Hon. E. (ed.), *Gathorne Hardy, 1st Earl of Cranbrook: A Memoir with Extracts from His Diary and Correspondence*, Longmans, 1910, Vol I, p. 217.

¹² Bruce, *op. cit.*, p. 265.

¹³ Childers, S., *Life and Correspondence of the Rt Hon Hugh C.E. Childers*, 1901, Vol. II, p. 241.

hesitation, for example, in calling on the Private Secretary, Mitford, in the 1880s to express anxiety about whether he could expect to be appointed Chief Clerk to the Commissioner on the demise of the holder of that office.¹⁴ Starting from 1883 Receivers would have been particularly well known to senior officials in the Home Office as former and, in effect, continuing colleagues.

Except in the surviving letter books (which themselves do not record every exchange) the routine correspondence from 1840 is not preserved.

Nonetheless, if not on a continuous basis, the archives are plentiful. The evidence suggests that routine correspondence in fact continued if at an increasingly humble level. Mayne's attempt in 1848-9 to agree some reduction in the amount of routine exchange revealed differences of view between, on the one hand, his disbelief in the utility of iterative and unchallenged exchanges and, on the other, the Home Office's attachment to the preservation of a record of proper diligence to mark the continuing exercise of the section 5 powers.¹⁵ In the 1880s a new Receiver, Pennefather, tried without success – even though he was a former Home Office official – to get the Home Office to agree that exchanges might be reduced in the Receiver's case.¹⁶ Some of the low level,

¹⁴ "Saw Mitford (HO) who promised to speak to Sir W Harcourt about my promotion." Entry for 18 March, 1881, in Diary for 1881, CF 65.84. Fry (the father of the athlete C.B.Fry) was promoted to Chief Clerk in the Commissioner's office with effect from 1 August, 1880, – Home Office letter of 13 May, 1881, on MEPO 2/82.

¹⁵ Letters of 27 July, 1848 and 3 December, 1849, on HO45 9473/A48043B, and an undated memorandum by Redgrave upon which the latter reply was based.

¹⁶ Pennefather, formerly a longstanding Home Office official, tried with both Harcourt and Cross to substitute general for detailed authorities but, despite support from the Permanent Under Secretary, neither could be brought to agree. See letters of 12 May, 1884, and 18 July, 1885, on HO 45/9643.

routine correspondence has survived from the end of the nineteenth century¹⁷, and there is the amazement recorded in his memoirs by Macready on discovering in 1918 “the pre-Victorian methods then still in force”. For example, every one of the most junior promotions was solemnly recorded and despatched still for Home Office approval, and so were all cases where following a constable’s conviction it was nonetheless desired to retain him in the force.¹⁸ This situation suggests not only a high level of bureaucratic inertia, but also a remarkable degree of self-delusion in the Home Office that exchanges in that kind of detailed form served usefully to maintain ministers’ statutory position.

The evidence from crisis management

The papers concerning crisis management are of a quite different character and reflect discrete episodes rather than immemorial routine. What follows concentrates on the responses to the Hyde Park disorders 1866-7, the Clerkenwell explosion in 1867, the corruption trial of a number of detectives in 1877, the Pall Mall riot of 1886, problems of threatening assembly in Trafalgar Square in the following few years, and the controversy over the planned Roman Catholic procession from Westminster Cathedral in 1908.

¹⁷ HO 148/1 – a letter book for the first half of 1899. It records a great deal of miscellaneous business, for example, formal approvals for tenders, small amendments to General Orders, appointment of police surgeons, dismissals, temporary employments, compensation &c &c.

¹⁸ Macready, *op. cit.*, pp. 318-320. The first was justified as flowing from the provisions of the 1829 Act, and the second by reference to a Home Office letter of October 1832 – “On inquiry of the Home Office I found that its oldest inhabitant was unaware of the existence of the letter, and nobody wanted anything to do with it.”

i The Hyde Park disorders 1866-1867

These events took place during the Derby/Disraeli Conservative ministry formed following the resignation on 26 June 1866 of the Liberal government then headed by Lord John Russell.¹⁹ They involved how to respond to large political meetings at a time of considerable political excitement. The dominant issue – and the one over which the Russell ministry had resigned when its franchise Bill was defeated – was the extension of the electoral franchise; and the eventual outcome there was the Reform Act of 1867. For the first time since the Chartist agitations in the 1840s the government was faced in the form of the Reform League with a large, organised, popular political movement in the capital. Moreover, it did so at a time not only when the law on rights of assembly in the Royal parks remained unclear and uncoded but one also where there was no established political or cultural understanding about the proper limits of popular political agitation. In addition, there was a shortage of public spaces outside Trafalgar Square and the Royal parks large enough to accommodate large political demonstrations. Kennington, for example, which had been used by the Chartists in 1848, was no longer available.

The riots that had occurred in and around Hyde Park on a succession of summer weekends in 1855 in protest against Lord Robert Grosvenor's Bill designed to curtail Sunday retailing had not been understood as raising similar issues of political principle: they had been perceived, rather, as unruly and

¹⁹ Smith, P.T., *Policing Victorian London*, Greenwood, Westport, Connecticut, 1985, contains the fullest accessible description of public order issues and events in the Victorian period.

regrettably uncontrolled disorders. The subsequent Royal Commission²⁰ had been established to deal with complaints about police conduct and had offered no conclusive opinions on the law. Nor did the subsequent "Garibaldi" disturbances in Hyde Park during 1862-4 lead to any development of law or principled practice.

The minister with prime responsibility was, of course, the Home Secretary, Spencer Horatio Walpole²¹. His was not, however, sole responsibility: the Commissioner for Works was responsible for the Royal parks. Walpole, formerly a chancery lawyer, had been Home Secretary for 10 months in 1852, and for 12 months 1858-9. On the face of it, he should have been well-equipped to respond. However, on the particular ground chosen by the League, he found himself in a difficulty. Following a successful and orderly meeting in Trafalgar Square on 2 July which Mayne had first thought to ban²², the Reform League (led by Edmund Beales, a Radical barrister) wanted to hold a large demonstration with bands and banners in Hyde Park to manifest the strength of feeling behind the movement for Parliamentary reform.

In the wake of the 1855 events, the government had sought the advice of the Law Officers. Their opinion of 1856 made it clear that, so far as the Royal parks were concerned, the government possessed only the civil powers available to

²⁰ *Report on the Alleged Disturbances of the Public Peace in Hyde Park on Sunday 1 July, 1855*, PP 1856, Vol. XXIII.

²¹ See Appendix C for biographical note.

²² "The assembly was, at first, forbidden by the police; but the interval, between the resignation of one ministry and the formation of another, was not favourable for the exercise of authority." Walpole, S., *The History of Twenty-Five Years*, Longmans, 1910, Vol. II, p. 170.

any landlord to proceed against individuals under the law of trespass. To be operative, these limited powers required evidence of prior or current actual misbehaviour and could be enforced solely on an individual basis. In other words, they were useless to prevent a mass demonstration taking place but might be available to deal with disorder once it had broken out.

How to handle the proposed demonstration was discussed in Cabinet where Walpole was equipped with a formula drafted by Henry Thring²³, his legal adviser, and based on the 1856 Opinion. Walpole's son²⁴ maintains that his father was overruled. Whereas the Home Secretary had thought the best course was to have permitted the demonstrators to have entered the Park and to disperse them only in the event of disorder, the Cabinet settled for the option of closing the Park, and an order to that effect was signed by the Commissioner for Works.

It is not recorded what Mayne thought of this stratagem. It is known that he deployed over 1600 officers (including 60 mounted) at or in the Park, and instructed his men not to interfere with the meeting itself or to arrest anyone other than for a specific offence.²⁵ Baulked of admission, and probably contrary to the plans of the organisers, elements in the crowd tore down an estimated 1400 yards of the Park railings. Their entry into the Park precipitated scenes of

²³ See Appendix C for biographical note.

²⁴ Spencer Walpole – see Appendix C for biographical note.

²⁵ MEPO 7/17, Police Order of 21 July, 1866. This Order also quotes the Commissioner's public Notice which sought, by resort to assertive bluff, to discourage attendance but in the event probably did more to advertise the occasion. The instructions to his men reflected, of course, the real position, that is that the meeting itself was not unlawful.

violent disorder where the police, despite freely wielding their truncheons, were unable to gain control without the assistance of the military. The disorders continued outside the Park and during the next day. Well over 200 police officers were injured, nearly 50 seriously. Mayne, who unusually had attended at the Park rather than stayed at the Yard to direct operations, was himself injured.²⁶ The government looked both foolish and weak, especially as the disorders spread beyond the Park.

Moreover, this poor view of the government's action was intensified by an episode where, following a meeting between Walpole and the League on 25 July, it looked as though Walpole had capitulated to the League by conceding that there should be a League meeting in the Park on the understanding that the League accepted responsibility for maintaining order and the government would withdraw police and troops.²⁷ The League promulgated a further meeting on 30 July in terms that implied they had government sanction. Walpole's denial – supported by Holyoake²⁸, who had attended the meeting on 25 July – seemed a protestation from weakness, even when backed up by a government ban and the League's withdrawal to meet instead at the Agricultural Hall in Islington.

These events were of immediate interest to Parliament. On the day after the main episode, the Prime Minister, Derby, maintained in fairly restrained

²⁶ See MEPO 7/27 for Police Orders of 17 and 18 August, 1866, which respectively listed gratuities for all participating officers, and additional gratuities from public subscription for those injured or rendered unfit for duty.

²⁷ It was even suggested that Walpole had wept with relief at the League's agreeing to assume the responsibility, thereby acquiring the soubriquet "Weeping Walpole".

²⁸ See Appendix C for biographical note.

exchanges in the House of Lords that the Crown had an undoubted right to prevent the Parks being diverted from their proper purpose “to objects which may interfere with the enjoyment and recreation of the people.” He expressed “full confidence ...in the judgement and discretion of Sir Richard Mayne”.²⁹

Walpole had a rougher ride in the Commons where Ayrton, the Radical MP for Tower Hamlets, immediately put his finger on the uncertain state of the law of assembly:

This country can only be governed in accordance with the national sense of right and justice. To appeal to force, and not to have considered and examined this question – not to have met the people on the ground of right – appears to me a most deplorable error; and to have led very much to the consequences that have ensued.³⁰

In defending himself and the government, Walpole not only quoted from the published Report of the 1855 Royal Commission but gave the entirety of the Law Officers' Opinion of 1856. Doggedly, he asserted that the Parks should not be used for political meetings and that it had been right to close the gates.³¹ Except for a typically principled intervention by Walpole's immediate predecessor, Sir George Grey, discussion continued predictably on party lines. On 26 July, however, Walpole was able to establish that he had not caved in to the League. In turn the League, admitted there had been misunderstanding and abandoned their intention to return to the Park on 30 July. Walpole's performance in Cabinet did not impress his colleague, Gathorne Hardy, who

²⁹ Hansard, Lords, 24 July, 1866, cols. 1371 and 1374.

³⁰ Hansard, Commons, 24 July, 1866, col.1390.

confided to his diary of the discussions on 27-29 July that "Walpole was not decisive & seemed confused..."³²

The issue was revived the following Spring when the League wished to influence the franchise Bill. In the intervening period, nothing had been done to clarify the law. The government, although it had contemplated legislation, held its hand on the basis of leaving the way free for the League to test the legality of the government's position in the courts. In turn, however, the League had taken no such steps, Beales later claiming that it had not been possible to identify a basis for doing so.

Accordingly, when the League in 1867 announced its intention of holding a meeting in the Park on 6 May, the government's position was no better in principle than in 1866. Moreover, it made it worse by introducing a Bill which made Parks meetings illegal without prior permission – thus publishing their belief that there was no sufficient, current power. Of the cabinet discussion on 28 April to decide how to respond, Gathorne Hardy observed:

We had a long discussion. Mayne and the Law Officers were there. I never saw Walpole in such a way. He would suggest nothing of any kind. However, we came to a conclusion...³³

The conclusion was that, while no steps would be taken to close the Park to the

³¹ Ibid, col. 1391-1398.

³² Johnson, N. E., op. cit., p. 21.

³³ Ibid, p.37.

League, a notice drafted by Thring and signed by Walpole should endeavour to discourage people from attending. This was a bluff - and it was called, despite the deployment of well over 4000 police and the calling out of more than 12,000 special constables.³⁴ A very large number – some estimates put it at 200,000 - of people assembled in the Park and completed an entirely orderly meeting. The government had made fools of themselves. Walpole resigned but was retained in the cabinet without portfolio.

Tending his father's memory, Spencer Walpole included the episode in one of his general histories and composed his father's entry in the *Dictionary of National Biography*. In the latter, the son – who had been his father's private secretary at the Home Office - maintained that "Walpole's attitude was much misunderstood and misrepresented". In the former, he quoted from a letter he had received from Thring:

Mr Walpole was made the scapegoat: whereas the real cause was the folly of Lord Derby and those who thought that a mere collection of enthusiasts was a felonious assembly, and that they could be repelled by merely closing the gates of the park.³⁵

In addition the son claimed that in 1867, if the decision had been left to his father, he would have preferred to acquiesce in a demonstration that the government had no power to prevent. But this filial piety never supplanted Russell's public judgement at the time:

³⁴ See MEPO 7/29 for the Police Order for 6 May 1867 which detailed a total of 4398 officers, including 182 mounted. Of the total, 1058 were posted in the Park and the remainder in the environs or in readiness at police stations.

³⁵ Walpole, S., op. cit., pp. 174-5.

...I entirely agree ...that a more amiable, and a more honourable man never entered the public service. I cannot, however, say that I regret he should leave the Home Department; for I think that of all the departments of the public service the office for which he is least fitted is that of Home Secretary.³⁶

Privately, Gathorne Hardy agreed with both Russell and the son :

He is a good just man but unfit for the troublous times into which he has been cast but the Cabinet are responsible for what has been done as well as he...³⁷

Unlike some of the other illustrations that follow, the Hyde Park confrontations were as much caused by the government's own actions as wished upon them unexpectedly out of the blue. There is no record of Mayne's views on the situations with which he had to deal, but the operational commander's need for clear, lawful and practicable directions was not met on these occasions. Even if the son's account is accepted, then it is evident that the father failed to carry the course he felt right and allowed himself to be overborne by colleagues who did not have to render immediate accountability. On that basis, he rightly paid the political price, and the mitigation of his sentence – remaining ignominiously in

³⁶ Hansard, Lords, 9 May, 1867, col. 228.

³⁷ Johnson, N. E., op. cit., entry for 9 May, 1867, at p. 39.

the cabinet – merely reflected both the guilt of his colleagues and his own incapacity.³⁸

ii The Clerkenwell Explosion

Although what transpired to be accurate intelligence had been passed from Dublin to the Metropolitan police, the latter failed to prevent a Fenian rescue attempt designed to liberate compatriots from the Clerkenwell prison. On Friday 13 December, 1867, an explosive device blew down a portion of the prison wall and, although it failed to effect the rescue of any prisoners, killed four innocent by-passers and injured forty others in addition to causing a great amount of collateral physical damage. The result was panic as the metropolis reacted to the existence of a threat to which it was wholly unaccustomed. Gossip raged and the police were inundated with information to all of which attention had to be given but most of which was useless. Fortunately for the Home Secretary, Gathorne Hardy, who had been in office since May 1867 following the resignation of the hapless Walpole, Parliament was not sitting. However, the incompetence he was obliged later to describe to the Commons meant that the delay did not heal the sting of humiliating failure.³⁹

³⁸ Nearly fifty years later, Walpole's reputation had not recovered: "Walpole did not make a good Home Secretary. Very few men do. He was too weak, and his very virtues told against his successful tenure of that office. He lacked firmness, energy and decision and, notably at the time of the Hyde Park riots, he was singularly unequal to the crisis." Philips, F.C., *My Varied Life*, Eveleigh Nash, 1914, p. 244.

³⁹ Hansard, Commons, 9 March, 1868, cols. 1215-1218.

His fury does not have to be imagined: he confided it to his diary – “Strict inquiry is needed...More detective force and skill is imperatively needed.”⁴⁰ Lord Derby, the Prime Minister, was even more condemning:

...I find it difficult to come to any other conclusion than that there has been great remissness, or great incapacity, on the part of our Police authorities. It is not very much to the credit of our detective system that the first intelligence of a conspiracy which must have been known to many persons should have come to us from Ireland. But the information which we thus received was so full and accurate that, if properly acted upon, it should have been impossible to carry out the design.⁴¹

The day before, an exasperated Disraeli had written to Derby:

It is my opinion that nothing effective can be done, in any way, in these dangers if we don't get rid of Mayne. I have spoken to Hardy who says he “wishes to God he would resign”; but surely, when even the safety of the State is at stake, there ought to be no false delicacy on the point?⁴²

Mayne, by then 71 years old, was not in fact required to resign. Many years later, Robert Anderson claimed that Hardy had refused Mayne's resignation and that Liddell had said: “We told him that he had made a — fool of himself, but we meant to pull him through; we weren't going to throw him over after his long public service.”⁴³ Whatever the reason, and it must have been a close run

⁴⁰ Johnson, Nancy E., op. cit., entry for 15 December 1867, at p. 57.

⁴¹ Gathorne-Hardy, E., (ed.), *Gathorne Hardy, First Earl of Cranbrook: A Memoir with Extracts from his Diary and Correspondence*, Longmans, 1910, Vol. 1, letter of 15 December, 1867, p. 222-3.

⁴² Monypenny, W.F., and Buckle, G.E., *The Life of Benjamin Disraeli, Earl of Beaconsfield*, Murray, 1929, Vol. 2, p. 307.

⁴³ Anderson, R., op. cit., p. 20.

thing. Mayne stayed even though the Queen later inquired of Hardy whether “Mayne was not passé”.⁴⁴

Part of Hardy’s embarrassment was occasioned by the fact that Disraeli (Chancellor of the Exchequer and Leader in the Commons) took the lead – mindful no doubt of how poor a figure the ministry had cut over the Hyde Park disorders in 1866 and earlier in 1867. Having visited the Clerkenwell scene with his Permanent Under Secretary, Liddell, on Sunday 15 December, and called in at St Bartholomew’s Hospital, Hardy repaired to Downing Street where he found Disraeli in discussion with Colonel Feilding, the officer in charge in Dublin of Irish military intelligence.⁴⁵ Moreover, at Cabinet on the evening of 19 December, Hardy was piqued to discover that Disraeli was privy to intelligence (an alleged planned attack on the Bank of England) which had not been given to Hardy: “I was not told. At this moment personal feelings must be put aside but I feel a want of fair treatment about Feilding and this matter.”⁴⁶

The Cabinet decided against seeking greater powers (for example, the suspension of *habeas corpus*) from Parliament, but endorsed an addition of 1000 extra officers “to diminish the pressure upon the regular force” and, as

⁴⁴ Johnson, Nancy, E., op. cit., entry for 8 July, 1868, at p. 79. (The Queen was, however, generous in her tribute to Mayne following his death in December 1868 – Grey to Bruce 28 December, 1868, Buckle, G.E. *The Letters of Queen Victoria, 1862-1878*, Vol. I, p. 541.)

⁴⁵ See biographical note at Appendix C. Feilding developed strong views about how government intelligence should be organised – see the copy of his letter of 15 December, 1867, to Disraeli on HO 45/9699/A50123B.

⁴⁶ Johnson, op.cit., p. 58.

predicted in Hardy's diary, an inquiry into the Metropolitan police was set up.⁴⁷

Established on 8 February 1868, it reported on 8 May on terms of reference set out by Hardy:

I think it desirable when the police force is being so largely increased, to inquire into its control, its government and its several divisions, the duties discharged by the Assistant Commissioners, and how far their time is occupied in clerical work, the advisability of appointing persons of higher position and education as officers between the superintendents and the Assistant Commissioners and the Chief Commissioner. It is difficult to come to conclusions without more knowledge on these points, and I think it will be more rapidly acquired by an inquiry within the office.⁴⁸

The inquiry was chaired by the Parliamentary Under Secretary, Sir James Fergusson, and the members were Henry Thring, Parliament Counsel in the Home Office (essentially both Legal Adviser to the Department and the drafter of its legislation), and George Everest, the Clerk for Criminal Business - in effect the most senior official after Liddell responsible for police matters. The inquiry proceeded principally by hearing oral evidence, all of which was taken down and printed verbatim. Neither the evidence nor the report was made public, though the decisions taken as a result eventually were. With a few exceptions – the Commissioner of the City police, the chief surgeon, a retired Inspector – all the witnesses were serving members of the force. There were, of course, no

⁴⁷ Derby reported all the measures to the Queen on 19 December, 1867, in a letter which followed the three hour Cabinet meeting at which Hardy had felt so discomforted. Derby did not spare the force: "...they are not equal to the present extraordinary demand...." Buckle, G.E, op. cit., p. 481.

⁴⁸ HO 45/A49463/2.

representative structures at the time, and it has therefore to be assumed that all the police witnesses (serving and retired) were nominated by the senior management of the force if not the Commissioner himself. Mayne, by then aged 70, gave evidence first and was followed by the other serving officers in strict hierarchical order.

The growth of the force up to the time of the inquiry is laid out at Figure 1 above. Mayne, battered by the events of 1866-7 hardly his fault but now confronted with failings for which his force was incontestably to blame, was shrewd enough to see which way the wind was blowing:

I quite feel that the force is getting beyond management or control under the present arrangement .⁴⁹

Ministers had quite evidently decided that the organisation structure was inadequate. Fergusson put the point directly to Mayne:

My presupposition in asking you these questions was this, you begin with a force of the strength of a regiment, it has grown into the strength of a Division, but you are still working it as a regiment and has led you to ask for additional officers, has arisen from the impossibility of working the division as a regiment.

Mayne: I quite agree to that.⁵⁰

⁴⁹ 1868 Report, Evidence 1868, p. 37.

⁵⁰ Idem.

Indeed, Mayne had in a timely letter of 6 February proposed that the post of Inspecting Superintendent introduced in 1839 and abolished in 1856 should be revived but with two appointees rather than one. In his oral evidence he raised the figure to four.

Determining that the apex of the force should be reinforced was one thing, but deciding how and by what sort of person was another. Not surprisingly, witnesses divided on the issue. The Superintendents saw no need for functionaries between them and their existing seniors. What would importees know of police duty and how successfully and willingly would they adapt to it?⁵¹

But in fact there were some surprises in that neither the Assistant Commissioners nor all the Superintendents were of one mind. The Chief Superintendent, Robert Walker, who had joined the force in 1838 and had some claims to superior education, believed that there should be a tier of superior officers between the Superintendents (who were on a par with company sergeant majors) and Assistant Commissioners. As already noted in the discussion in Chapter 1 above about appointments, the different positions taken by the two Assistant Commissioners, Harris and Labalmondiere, on this question may be understood as stemming from differently developed views about the nature of the police occupation.

The inquiry was entirely unaccompanied by any extended public discussion,

⁵¹ Ibid, evidence of Superintendent Hannant, p. 259.

and there was certainly no consultation of any kind with the ratepayers or the larger public.⁵² After the Committee had reported but before conclusions upon its recommendations had been announced, a well-informed pamphlet was published in 1868 over the pseudonym "Custos".⁵³ It adhered closely but less dogmatically to the lines of Harris's thinking, including to his preference for a better drilled force so that numbers of men might be deployed with greater efficiency and control than was normally observable. In the minds of the writer as of others was not only Clerkenwell but also the performance of the police during the Hyde Park reform riots in 1866. The great growth of London and the resulting extension of the police responsibility required more close superintendence and control than in a situation where divisions were

...left with no supervision but that of one Superintendent who cannot be supposed to possess any higher qualification for a position of commanding authority than is possessed of a Serjeant Major and who is certainly not regarded by the public as occupying a higher grade.⁵⁴

To a casual modern reader, all this may perhaps be dismissed as an exhibition of outdated social snobbery and middle class place hunting. Such easy dismissiveness would, however, be misplaced. What was involved at a deeper level was the issue of how and where, in a somewhat less than democratic but increasingly populous society, authority should be seen to be located. Harris

⁵² There was extensive newspaper vilification of Mayne, but that was, of course, a different matter – see Browne, D.G., op.cit., pp.148-151.

⁵³ "Custos", *The Police of the Metropolis in 1868*, Ridgway, 1868.

⁵⁴ Ibid, p. 21.

clung to the more traditional view that acknowledged social status brought its own guarantees – the purchase view, if you like, of officer accomplishment. Labalmondiere, on the other hand, identified an alternative model which attributed authority to professional knowledge and expertise acquired in the practice of the occupation. Of course, Superintendents and other ranks supported this view partly or even largely out of self-interest, but in no case was it articulated in a form which was then effective in challenging status arguments. In 1868 it did not win the day, and “Custos” proved to be the sharper observer. He argued that the Superintendent from the ranks was likely to be the target of

insinuations that he is not altogether beyond the reach of influences which would never be referred to as likely to sway the judgement of a person in the position of a Commissioned officer of the Queen.

So long, in fact, as the distinctions of class among Englishmen continue to be strongly marked, these considerations will retain their force, and as it would be unwise to attempt to ignore their existence, is it prudent to allow them to be, in any degree, the means of impeding the usefulness of the Metropolitan Police Force, on the full efficiency of which such vital interests depend?⁵⁵

This was the approach that the Committee endorsed in its report of May 1868. Its principal organisational recommendations were:

The division of the police area into four districts under the command of the Commissioner and four district assistants, the districts to be the normal area in which subordinate officers and constables would serve;

⁵⁵ Ibid, p.22.

The assistants each to be provided with a house in their district as their headquarters, and to deal with all complaints and other routine business both to give a more speedy response to complaints and to relieve Superintendents from the need to attend so frequently at Scotland Yard;

In appointing district officers preference should be given to military or naval officers;

The two Assistant Commissioners to remain at headquarters to help the Commissioner, in time perhaps reducing to one post from two.

The Committee prefaced its recommendations with a declaration of fiscal rectitude:

The Committee, in making their recommendations, have constantly borne in mind the fact that the sources of income applicable to the support of the police arise in the main from parochial taxation.

They have therefore to say what in their opinion is the best mode of conducting to the efficiency of the police, with the least increase of expense, not to decide what the police service might become if a large sum of money could be applied to its maintenance.⁵⁶

Explicitly recognising the extent to which its freedom of financial manoeuvre had been pre-empted by the decision to augment the force by 1000 in large part for a weekly rest day – at a cost, the Committee estimated, of £90,000 a year – the Committee was understandably careful to rein itself in. It therefore tended

⁵⁶ 1868 Committee, Report, p. 16.

thriftily to concentrate on recommendations that did not involve significant expenditure. Thus, it rarely ventured away from largely costless organisational recommendations, one of which, for example, contemplated that the “police force should be placed by Act of Parliament absolutely under the control of the Secretary of State, and that the names of the officers of police should not appear in Acts of Parliament”.⁵⁷ Also included in the recommendations was support for an enlarged central detective department to be given divisional status and the appointment of plain-clothes officers as detectives in every division under local control. No general pay increase was recommended, though there was some tweaking of scales for Sergeants and above, and important recommendations were directed to improving conditions of service, for example as to provided quarters (which the Committee foresaw would require legislation as to borrowing powers).

In the Home Office, distraction recurred. After a general election, the Conservative, Hardy, was replaced on 9 December 1868 by the Liberal, Bruce. Mayne died later the same month on 26 December and there was a short interregnum during which Labalmondiere was acting Commissioner until the appointment of Henderson. Appointments to the four district superintendent posts were duly made but without clear definition of their roles and this left them unprotected both from below (the Superintendents) and from above (the Assistant Commissioners). No legislation was introduced as the Committee had recommended, though Henderson’s new broom swept away some of the more

⁵⁷ Ibid, p.12 – A rather delphic recommendation which in its last part seems to have been designed to give the Home Secretary a free hand in determining and changing the entire rank and organisation structure of the force. It was never acted upon.

unnecessary and trivial restrictions for constables, addressed the remaining recommendations and, initially, moved to institute a weekly rest day.

Henderson, though he undoubtedly had the support of the Home Secretary, Bruce, who had appointed him, was operating in the dark according to an agenda that neither he nor the minister had themselves set down. A new Commissioner faced the composed ranks of the Superintendents on the one hand and the Assistant Commissioners on the other, each of whom had their own fish to fry and none of whom brought entirely open minds to the creation of the new management tier. The new District Superintendents were themselves unable to force the position since, with the exception of Walker, they were tyros so far as the force was concerned, and Walker – even if he had been able to muster the requisite personal authority (his former colleagues regarded him as an office wallah rather than an operational commander) – could hardly have compensated for the lack of clarity and determination over the way the new arrangements were introduced. For his part, the Home Secretary was in no position to grasp let alone confront the difficulties, and his officials (including the Permanent Under Secretary) could neither direct nor substitute themselves for the Commissioner. In other words, everything concerning the higher direction of the force turned on the Commissioner personally and, after a brief burst of hyperactivity as it responded to the Clerkenwell crisis, the Home Office fell back into its customary passivity.

iii The trial of the detectives

The Home Office was stirred from this next following the discovery that the Detective Department had been penetrated, and some of its senior officers corrupted, by criminals engaged in a series of lucrative turf frauds. The head of the Department, Superintendent Williamson, had to suffer the indignity of overseeing the arrest of three of his four Chief Inspectors. It was an enormous scandal which produced a protracted Old Bailey trial⁵⁸, and the Home Office's response was not one but in fact three inquiries, two of which only were completed.

The first was directed at the detective system. It was appointed in August 1877, and reported January 1878. Chaired by the Parliamentary Under Secretary, Selwin-Ibbetson, (who had been in post since February 1874) its members were Feilding, the officer consulted by Disraeli in 1867, and two QCs – Overend and Maule.⁵⁹ The proceedings were again recorded, confidential, and unpublished. The inquiry discovered not only that the central detective department had been under a system of espionage by thieves, but also that the divisional detective system inaugurated on the recommendation of the 1868 Committee was unsatisfactory.⁶⁰ The two species of detectives were organisationally distinct and, moreover, in opposition to each other. The recommendations concentrated on welding the two into a single unit, separate from and superior in pay,

⁵⁸ See the account in Dilnot, G., (ed.), *The Trial of the Detectives*, Bles, 1928.

⁵⁹ For Feilding, see Appendix C. W. Overend (1809-1884) and J. B. Maule (1817-1889) were both very experienced criminal and public law practitioners, the latter becoming DPP 1880-84. Overend had chaired the Bradfield Reservoir inquiry of 1864 and the Sheffield trade outrages inquiry in 1867.

⁶⁰ "...said to be the least educated and the least intelligent men in the force" – 1878 Report, p. 45.

allowances and so on to the uniformed service, and under a senior officer - "an Assistant Commissioner, who should be a lawyer having magisterial experience...ranking next to the Chief Commissioner, and having charge of the whole force in his absence".

The second was an indirect consequence of the first. In the May following the detective committee's report, various "memorials" (that is, petitions) about their conditions of service were submitted through the Superintendents to the Commissioner by men in the uniformed service. The Commissioner in turn forwarded them to the Home Secretary and he effectively turned the issues over to a committee for adjudication. Appointed on 7 August 1878 and reporting in May 1879, the committee consisted of the new Parliamentary Under Secretary, Matthew White Ridley, and - again - Maule. As on the previous occasion, the secretary was Dunbar, the oral hearings were recorded but neither they nor the recommendations were published.

This was a far more wide-ranging and intrusive inquiry than that of 1877-8. It looked not only at pay (in an interim report) and pensions but also at the organisation structure at the top of the force. On pay, whilst it recommended no general increase, it dealt with the more obvious anomalies arising from the previous committee's partiality to the detectives. On pensions, it recommended increasing access to benefits in return for a 1% increase in contributions from the current 2.5%. As to organisation, although it rejected actual decentralisation, it otherwise supported the District Superintendent system and recommended that they should be rebadged as "district commissioners" with enhanced powers

of discipline and responsibility for oversight of the divisional superintendents:

“They should be gentlemen of good social standing, and should, as a general rule, be officers who have seen service in the army or navy.”⁶¹ At the next level up, the Committee thought that the post of Legal Adviser should be abolished and the role subsumed into that of one of the two Assistant Commissioners, provided he were suitably qualified.⁶² Moreover, the Committee wanted to see clearer definition of the senior roles, and between the functions of the civilian and police clerical staffs in the Commissioners own office.

Although the report chose its language carefully, the record of the oral evidence showed a great deal of discontent and backbiting. The District Superintendents felt under-employed and unsupported by the Commissioner. The Divisional Superintendents depicted them as professionally useless and, therefore, supererogatory. The Commissioner voiced no enthusiasm for their role, and recommended at best further gradual extension. The two Assistant Commissioners were at loggerheads. Alternating headquarters and field duties month and month about between them, they were described as administering

⁶¹ 1879 Report, p. 82.

⁶² The post had been introduced in 1874 to give the Commissioner access to the kind of immediate legal advice which his predecessor, Mayne, had embodied in his person. The appointee, J.H. Davis, had been a stipendiary magistrate in Sheffield, and in 1877 had been given direct, temporary responsibility for detectives as an immediate response to the turf fraud scandal. He had argued before the Committee that neither his own nor Howard Vincent's appointment - following the 1878 Committee's recommendation - as Director of Criminal Investigations was compatible with the Police Acts.

the force on different principles, with each undoing the work of the other when he had the opportunity. Whereas Harris was the apostle of "thorough" (and disliked), Labalmondiere was regarded by Harris (and Pearson, Harris's principal supporter amongst the District Superintendents) as far too lenient with the men though apparently liked and admired by them and listened to by the Commissioner.⁶³ In addition, Henderson himself was criticised as idle and indecisive. In his own office, the civilian clerks voiced contempt and apprehension in equal measure in relation to the encroachments over the years by police clerks on what had originally been their sole preserve.⁶⁴

This dispiriting disarray made change both imperative and slowed its delivery. Whereas the Detective Committee's Report was implemented in April 1878, just over two months following completion, the Ridley Report remained the subject of considerable negotiation until the promulgation of the resulting Police Order on 16 December 1881. The outcome bore more relation to expediency and Henderson's wishes than to the 1879 recommendations. By reason of the death of one of the District Superintendents, Baynes, the retirement of Harris and the promotion into his place of Pearson, it became possible to settle for a unified chain of command where the two remaining District Superintendents reported

⁶³ "The most able gentleman under that roof" – Thomas Kittle, retired Superintendent and effectively spokesman for the Superintendents, 1878 Report, Evidence, Q 2995. "How it happened that Colonel Labalmondiere did not succeed Sir Richard in the Commissionership I never heard. I only know that the whole of the police were disappointed by his non-appointment." Cavanagh, T.A. *Scotland Yard Past and Present*, Benn, 1892: p. 80. Cavanagh had joined the force in 1855, worked mostly at headquarters, and retired as an Inspector.

⁶⁴ Of Henderson – "He has no strength of character. It is a painful thing to say." Kittle, 1878 Report, Evidence, Q 2995. See also evidence of E.G. May, Chief Clerk, at Q 3799. A decade later, Harcourt offered a different view: "It is said that Sir Edmund Henderson was not sufficiently vigorous and active. But there are other merits than vigour and activity." – Hansard, Commons, 14 December, 1888, col. 1166.

for denominated Divisions to a particular Assistant Commissioner, each of whom undertook prescribed subject responsibilities as opposed to participating in the old free for all. The "problem" of the status in law of the Director of the CID was resolved following Vincent's resignation in 1884 by means of the Metropolitan Police Act of 1884 which permitted the appointment of an additional, third, Assistant Commissioner. Coincident on Labalmondiere's retirement that year, the outcome was an Assistant Commissioner over the CID (Monro), and a new colleague (Bruce, a barrister) for Pearson in the 1881 arrangement. The ambiguous status, as he felt it, of the Legal Adviser was resolved by his death in office in 1887, and the fact that he was not replaced.

Part of the delay – not epic by Home Office standards – was caused by an intervening election and the arrival in April 1880 of a new Home Secretary, Harcourt, and a new junior minister, Arthur Peel. This would have caused all the delay consequent on the need for new ministers to familiarise themselves with their responsibilities and to take their own measure of the personalities involved. The internal affairs of the Metropolitan police would not have been a high priority, especially in regard to an unpublished report of an internal committee set up by a previous government. What had been urgent in 1877-8 was the need to address the problem of confidence in relation to the central detectives. That crisis surmounted, ministerial attention wandered, and there was no way even ardent officials (and there is no evidence that they were ardent) could have promoted the organisational agenda. Only another crisis could do that.

The third, and uncompleted, inquiry touched on a further dimension of the relationship between the Home Office and the Commissioner. Whereas the first two inquiries principally concerned the internal organisation of the force, the third – The Metropolitan Accounts Commission – looked at the relationships between the Commissioner and the Receiver. As explained at Chapter 3 above, it did not report. It originated in the Commissioner's criticisms of how the Receiver carried out his functions. Chapter 3 sets out the detail of the exchanges and explains why this particular interface remained such a long running point of argument. In 1878 the issues were not fought to a conclusion though, as will be explained below, they were acutely relevant during Warren's tenure in 1886-8.

iv The Pall Mall Riot 1886

On 8 February 1886 part of a crowd of unemployed men who had been attending Trafalgar Square meetings roamed the streets between the Square and Hyde Park attacking various premises, including Oxford Street shops and Pall Mall clubs. Robert Walker, aged 74, as a District Superintendent the senior officer present in Trafalgar Square and wearing civilian clothes since there was no provision for his rank to wear police uniform of any description, was helpless to stop his pocket being picked. The police failed to prevent the disorder and only with difficulty, and after some mishaps, finally controlled the situation. Shopkeepers and many others panicked as a result of so unprecedented an experience that was backed by all the social and psychological uncertainties of a severe economic recession.

For the Home Secretary, Childers, the riot coincided with his first effective day in office, and in a Department of which he had no previous experience. He recorded his dismay and incredulity.⁶⁵ Clearly, he was expected to act and quickly to restore fragile confidence. His response was to set up a committee of which he was chairman and whose members included senior cross party representation, the foremost soldier of the day (Wolsey), and the Home Office Legal Adviser (Pemberton) as an assessor. The report was concluded (with a haste that might now seem unseemly) on 22 February and was damning:

It is, in our opinion, a matter of grave consideration, whether the numbers of officers of superior rank and education, or of experience in the habit of command, is sufficient for the numerous duties of an important nature which from time to time devolve upon the police when collected in large numbers. There seems to be want of initiative on the part of the superintendents and inspectors.

Another of the Report's conclusions was that "the administration and organisation of the Metropolitan Police Force require to be thoroughly investigated; and we hope that this investigation will take place without delay".⁶⁶ Henderson resigned and was replaced by a serving Major-General, Charles Warren.

The pace of the subsequent inquiry into the administration and organisation of the force flagged a little in comparison since its seven page Report was not

⁶⁵ Childers, op. cit., p.239, letter of 12 February to Francis Childers, and Hansard, Commons, 18 February, 1886, cols. 594-606.

⁶⁶ *Report of the Committee on Disturbances (Metropolis)*, C 4665, 22 February, 1886, paragraphs 45 and 49.

completed until July 1886.⁶⁷ Childers was again chairman but, apart from Pemberton who now became a full member, was assisted by a different cast that included the new Commissioner. For the latter, this arrangement had the great merit that he was able to influence the recommendations for whose implementation he would be responsible. (It also allowed him to put down a public marker for an increase in force strength, though the committee declined to reach a conclusion on the point.) The recommendations included that, to counter excessive centralisation, the four district posts should be revived but under the title “chief constable” and that there should also be some assistant chief constable posts in addition. The mounted branch was to be reinforced by almost 20% and the telegraph system further improved. Showing the marks of its origins in the February events, the Report also concluded:

We consider that the primary responsibility of immediately dealing with all states of disturbance, tumults, or outbreaks, must rest with the Chief Commissioner, and his assistants, but it is our opinion that in all cases of abnormal or grave character the Home Office should be promptly informed of circumstances as they occur, in order that the Secretary of State may be in a position to act in any matter which might demand his interference.

It is the custom of the Chief Commissioner if he anticipates disturbance, tumult, or outbreak, to inform the Secretary of State, and if necessary to submit for his information details of the police arrangements. We think it would be well in order to avoid in the future any uncertainty as to the exact relations between the Home Office and Scotland

⁶⁷ *Report of the Committee on the Administration and Organisation of the Metropolitan Police Force, 1886, C 4894.*

Yard, if the Secretary of State were to issue a Memorandum clearly establishing what is now only unwritten law.⁶⁸

Although this read like the smack of firm government, the conclusion begged some questions. Chief of these was exactly what kind of steps were thought to be open to the Home Secretary when he was put in a “position to act in any manner which might demand his interference”? In the middle of a riot, he could hardly in practice assume operational command or replace the Commissioner or the officer in charge on the spot. The implications, if there were any identified at the time, were not spelled out. It is difficult in practice to see that this ringing statement suggesting an important change of procedure and operational authority really changed anything. If it came, for example, to calling in the military, the Home Secretary would have to be consulted in any case. As to the rest, it was already true that the graver the situation, the closer the Commissioner and the Home Secretary would have to consult over the scale and character of the response.

If the statement did not mean what it seemed to say, why was it there? There are two likely answers. The first is that it was – like the whole exercise of the two reports that were both published documents, unlike those in the previous two decades – a political and public response intended to reassure. The riots were a great calamity at the heart of a supposedly pacific and benevolent empire. The government wished to reassert the appearance of control: this

⁶⁸ Ibid, p. 5.

meant swift action to condemn the past, to remove and replace the culprits, and to lay down – or appear to lay down – a pattern for amended conduct.

The second possible answer is to be found in Childers' background. As already noted, Childers had no experience of the Home Office⁶⁹, but he did have considerable - six years - experience in the service Departments. Instinctively, and above all with Warren at his side, he would have thought the service analogy as apt for control as for command. The overall conduct of a campaign had, of course, to receive initial political backing and have that backing maintained. Plans and officers might be changed and replaced during the course of hostilities, though it was not practicable (and invariably unwise) to interfere once forces were committed to a particular engagement. In the context of civil order, it is likely that Childers equated the riot with the campaign and thus sought conveniently to imply an opportunity for ministerial intervention that did not, and could not, obtain.⁷⁰ What mattered above all was to demonstrate at least purported authority. For Childers, the confusion was never tested by events since he was out of office in less than six months. For Warren, it was another story.

⁶⁹ A point he offered in his own favour during his Parliamentary statement – Hansard, Commons, 18 February, 1886, col. 599.

⁷⁰ Lushington advised strongly, and at length, against confusing the functions: "To make the Secretary of State responsible is, therefore, to ease of responsibility the officer who is competent, and to cast it on one who is incompetent, with the result to the public that might be imagined... The Secretary of State ought to stand quite clear. It was for that reason that I yesterday expressed the hope that the Police Orders would not again be revised at the Home Office." Letter of 21 February, 1886, in Childers, *op. cit.*, pp. 243-4.

v 1886-89: Events and the balance of power

This relatively short period proved to be an exceptionally testing time. As an economic recession continued, forms of public protest multiplied and in ways not hitherto experienced by the force or fully considered by the law. As explained above, the contested arrest of a young woman, Miss Cass, became a great *cause célèbre*, and demonstrated amongst other things defects in how complaints against the police were handled. The horrific Ripper murders provided real life sensation that fed some of the deepest urban neuroses of the times.⁷¹ Although they perhaps did not deserve all the obloquy they received for their efforts to respond, neither Warren nor the Home Secretary, Henry Matthews, were well fitted to cope. Warren, a career soldier who returned to soldiering after his resignation in 1888, regarded his role as that of a military commander, was impatient of restraint and unaccustomed to the rule of law. Matthews, appointed by Salisbury on the recommendation of Randolph Churchill on the grounds of his skills as an advocate, had no executive experience whatsoever. He also exhibited a preference for argument over decision characteristic of some of the members of his profession, though not at all, it has to be said, of his immediate successor, Asquith.

So far as the relationship with the Home Office was concerned, Warren did not like what he found and questioned it root and branch. He was impatient of anyone interposed between himself and the Home Secretary, and considered

⁷¹ See, for example, Curtis Jr., L.P., *Jack the Ripper and the London Press*, Yale University Press, 2001, for a recent discussion of some of these issues.

that all advice to the latter as to the force should come from, or be routed through (that is, even if from Lushington), himself. He was intolerant of Monro's relationship with the Home Office, and the latter – not an easy man either – resigned in August 1888. Warren chafed particularly at the role of the Receiver, and criticised the handling of the estimates, the cash balances and many of the requirements of the Finance Regulations. He wanted the Surveyor and the Storekeeper to report to him rather than the Receiver. Attempts were made to mollify and accommodate him, including at a senior political level.⁷² For his part, Matthews even conceded an inquiry into the whole system of financial control.⁷³ As a demonstration of its impartiality, it was chaired by Childers and included as members the Parliamentary Under Secretary, Stuart-Wortley, a senior Treasury official, the War Office Accountant-General, and the Chairman of the Prison Commission, Ducane. It never reported because Warren resigned before it completed its work.

In the public realm, there were from late 1887 repeated difficulties about how to

⁷² The former Home Secretary, Gathorne Hardy, recorded a conversation with the Prime Minister and the Lord Chancellor after a City dinner on 15 March, 1888, about "...Matthews-Warren who do not agree. The latter resigned but Smith [Leader of the Commons] got him to take back his resignation though he has little hope of ensuring harmony. Warren has the police with him and the trade public but no doubt is fractious. Matthews has I fear been wanting in tact and judgement and is too much led by Lushington." Johnson, Nancy E., *op.cit.*, p. 697.

⁷³ See HO 45/46998/34 for the only papers that seem to survive, and HO 45/49602 for Lushington's memorandum of 4 December, 1888, commenting on the Committee's deliberations and the issues in general. In the former, a memorandum prepared in July 1888 but not certainly submitted to the Committee refers to Warren's "intolerably overbearing manner".

deal with public order problems in Trafalgar Square.⁷⁴ As in the case of Hyde Park twenty years before, the legal position was particularly inchoate in respect of how far the police might take preventive measures anticipating disorder before there was evidence that it had occurred. Matthews' proper scruples were transmitted through the medium of his particular personality, antipathetic to that of Warren and, of course, vice versa. Into this rich stew was stirred Lushington, a highly intelligent, very experienced and forceful workaholic whose role became to hold the ring but whose personality was ill-suited to the occasion.⁷⁵ The tensions became unmanageable, and the crisis came when Warren published an article in *Murray's Magazine* implicitly criticising the Home Secretary.⁷⁶ Reminded that he should have observed an administrative instruction to have sought prior approval for publication, Warren resigned on 13 November 1888.

This act occasioned one of the few extended discussions in Parliament about the nature of the respective responsibilities of the Commissioner and the Home Secretary. It occurred the following day during a Commons Supply debate. The main contribution was made by Harcourt, Home Secretary 1880-85. In a long and eloquent speech largely supportive of Matthews, Harcourt spelled out the principal features of the relationship, summarising it as follows:

⁷⁴ For a thorough and fair minded account of a complex situation, see Bailey, V., "The Metropolitan Police, the Home Office and the Threat of outcast London" at pp. 94-125 of Bailey, V., (ed.) *Policing and Punishment in Nineteenth Century Britain*, Croom Helm, 1981.

⁷⁵ Implying that Lushington, unlike his predecessor, Liddell, was more inclined to apply blisters than plasters, Robert Anderson opined "With his many excellent qualities Godfrey Lushington's intervention and influence as Under Secretary were generally provocative, and his manner irritating." – Anderson, R., *The Lighter Side of My Official Life*, Hodder, 1910, p. 131. However, Anderson had his own crotchets against Lushington and is not to be regarded as an entirely reliable witness.

⁷⁶ "The Police of the Metropolis", *Murray's Magazine*, November 1888, pp. 592-4.

The man who is responsible to the House for the police is and ought to be, the Secretary of State, and the Commissioner of Police is no more independent of the authority of the Secretary of State than the Under Secretary of State for the Home Department. It is a matter entirely at the discretion of the Secretary how far the principle of responsible authority should interfere with Executive office, and the less any interference happens the better.⁷⁷

Matthews gratefully concurred, adding as to the controversy over the control of public meetings:

All that Her Majesty's Government had endeavoured to do was to see that the right of public meeting was not exercised so as to infringe the rights, the comfort, and the convenience of peaceable inhabitants.... Sir Charles Warren's resignation had been accepted because the Government felt it was absolutely necessary to uphold and enforce the principles which the Rt Hon Gentleman had laid down in terms of perfect propriety – that in the ultimate resort it must be the Secretary of State who was responsible for the action of the Metropolitan Police.⁷⁸

Although Warren's replacement, Monro, lasted no longer and resigned in 1890 ostensibly over police pensions issues, the handling of his 1889 request for more men throws particularly interesting light on the Commissioner's relationship with the Home Secretary. Monro first made his case in July 1889.

⁷⁷ Hansard, Commons, 14 November, 1888, cols. 1162-3.

⁷⁸ Ibid, cols. 1172-3. This jointly articulated statement of the position was not contested then or at any other time in the period of this study. It was also accepted in a later, leading study. See Marshall, G., *Police and Government; The Status and Accountability of the English Constable*, Methuen, 1965, pp. 29-32.

He referred to what he claimed was a favourable reaction to his latest published Annual Report:

It is clear that the public are perfectly willing to increase their contribution to secure more extended Police protection, and that being so the only objection which has hitherto stood in the way of augmentation to the Force has practically been removed... The public recognise the validity of the grounds upon which the demand has been brought forward...⁷⁹

But things were not that simple. Tripp, the finance officer in the Home Office, minuted not unsympathetically that London's population had increased by over a million in the period 1878-1889, though the force itself had grown by 17% during 1883-8. The Receiver pointed out that the pensions deficit was already running at £140,000 a year and, the Government Actuary advised, was likely to rise by another £100,000 a year by the end of the 1890s. Ministers agreed that the questions of augmentation and pensions would be best settled simultaneously since ministers could hardly ask Parliament for the money for augmentation only to return almost immediately after to ask for pension funding as well. Monro was accordingly told to wait until the autumn.

Monro waited only till September to return to the charge, and then used ever more pressing, almost excitable, language:

...I can assure the Secretary of State that if the strain upon the Force be continued, as it is not unlikely to be, the Police work of the Metropolis cannot be performed with

⁷⁹ HO 45/9707/A50657/1, letter of 24 July, 1889.

efficiency; and I trust I may be relieved from responsibility for shortcomings which under such circumstances must be inevitable.⁸⁰

There followed various further exchanges. In the absence of the Receiver and Lushington on leave, Monro was offered a temporary augmentation of 100 funded by halting building work. Monro then asked for another 400 for 6 months, and then a week later refused – to Lushington’s puzzlement – any temporary augmentation until the larger question was settled. Finally, following an interview with the Home Secretary on 19 October, Monro submitted on 23 October a nine page printed memorandum stating his full case for an extra 1000 men.⁸¹ Dwelling on the unique circumstances of London, Monro emphasised how frequently he had had to withdraw men from ordinary duty to staff special events – 1940 times involving 58,709 men between 1 January and 30 October, 1889. This harassed the men and denuded local cover. Because of the pensions cost, he maintained that the force received less proportionately from the rates than in 1829. A barrage of claimed press support consisted of 23 press cuttings, including from provincial papers and *Punch*. Monro’s main point was “Hitherto the pressing wants of the Police as regards numbers have been met by a policy of makeshift.”

The fundamental question concerned how was the Home Office to assess such a request? Neither it nor the Receiver could go behind the Commissioner’s arithmetic. The Receiver could state the condition of the Fund, but was not in a

⁸⁰ HO 45/9707/A50657/4, letter of 10 September, 1889.

⁸¹ HO 45/9707/A50657/5-9. An alarmed Receiver telegraphed at one stage from Strokestown, Roscommon, when on holiday – see /5.

position to do more. H.M. Inspectors of Constabulary under the 1856 Act had no remit in respect of the Metropolitan police, nor had they any sufficient experience which would qualify them to opine if asked. No-one considered turning to some alternative, disinterested source: they were not then to be found even if it had been thought proper to involve them.

In a characteristically long memorandum (18 printed pages) to the Home Secretary, Lushington wrestled with the issues. He swiftly disposed of Monroe's populism: "No doubt the Force is deservedly a popular body, but I can attach little value to this chorus of the Press", going on to point out that the writers had no concern for cost or understanding of how legislation, once introduced, might fare adversely in Parliament. After a thorough analysis of the statistical and other data, and mindful also no doubt that it would be undesirable for the Home Secretary to have another Commissioner resign too soon, he concluded:

But the sufficiency or otherwise of Police Protection is a practical question not demonstrable from statistics or comparisons. Mr Monroe entertains a decided opinion that there is a necessity for a permanent augmentation of 1,000 men and strongly urges that it should be authorised. As head of the force, familiar with its daily operations and responsible for its efficiency, he, of all others, is most competent to form a judgement, and it is with much diffidence that any layman should question the result at which he has arrived....I could not therefore go to the length of saying that I am convinced that the augmentation at least to the extent asked for is absolutely indispensable. The practical conclusion would seem to be that unless the Parliamentary difficulties are

greater than I estimate then Mr Monro should receive the augmentation which he asks of 1,000 men.⁸²

In other words, provided a request were not clean contrary to commonsense, in augmentations the Commissioner was ultimately the judge of his own cause. In the sense voiced by a former Board of Trade Permanent Under Secretary (Farrer) to the Ridley Commission (1887-90) when speaking about Treasury control, Home Office control occupied in relation to the Metropolitan police the same position as the Treasury vis a vis other government Departments:

We can check them in the big things: they may bully us in the little things.⁸³

But even Commissioners could run out of road if they pressed demands too far. In May 1890 – just five months after being given an extra 1000 men - Monro asked for a further augmentation. This time there was no mincing of words:

Financial considerations alone would render it all but impossible to accede to that request; and certainly very cogent evidence that an increase was necessary, and very careful consideration of that evidence would be essential preliminaries before Mr. Matthews could commit himself to any opinion on the subject.⁸⁴

⁸² HO 45/9707/A50657/17, 13 November, 1889.

⁸³ Quoted in Wright, M., "Treasury Control 1854-1914" in Sutherland, G. ed. *Studies in the Growth of Nineteenth Century Government*, Routledge, 1972, p. 199.

⁸⁴ MEPO 2/248 - Home Office letter of 24 May, 1890, referring to a memorandum from the Commissioner of the day before. The letter also rejected a claim for gratuities: "On the 25th January last Mr. Matthews intimated that he regarded the recent large augmentation of the Force as a bar even to applications for gratuities; and he is much disappointed to find that you nevertheless think it necessary again to press upon the concession of extra pay." Monro resigned less than one month later.

vi Westminster Eucharistic procession 1908

In the event the occasion of the procession was unremarkable. What was significant was the extent to which both the King and the Prime Minister became involved, and the fact that the Home Secretary, Herbert Gladstone, considered for a short period that his resignation might be in question.

The reintroduction of the Roman Catholic hierarchy into Britain in 1851 had not been entirely uncontroversial. However, Roman Catholics were as entitled as anyone else to exercise their civil right to walk the streets in procession as they saw fit, a right increasingly exercised by them in London from 1893. Fortified by an Opinion from the Law Officers in 1898, the Metropolitan police had conceived it their duty simply to make whatever preparations seemed appropriate on public order grounds for dealing in these cases as with other processions. The intention of the Roman Catholic Archbishop of Westminster to hold a procession on 13 September 1908 was, accordingly, approached in that spirit.

However, the matter became controversial when the Protestant Association claimed that the proposed procession was not only unusually large and prestigious (it transpired it was to include a Papal Legate and a number of other Cardinals) but also, because the Host was to be carried, contrary to the law as set out at section 26 of the Catholic Emancipation Act 1829 – and an intention not made known to the police. All the precedents were against interference, but the developments made it appear that the police were conferring official sanction on the arrangements. (It was known that the Commissioner, Henry,

was himself a Roman Catholic.) A few days before the planned event, Troup, the Permanent Under Secretary, recommended Gladstone write to the Archbishop to dissuade him from including the host in the procession.⁸⁵ Meanwhile, however, the Prime Minister's office had become involved, and the Archbishop declined to treat with anyone but the Prime Minister, Asquith – who had, of course, been a notable Home Secretary (and Gladstone his junior) in his day. The Archbishop climbed down, and the procession - without the Host - went off uneventfully, but Gladstone had to account to the Prime Minister for the turn of events, in particular why the police had not foreseen the problems. In addition, the King expressed displeasure at what he regarded as Gladstone's inadequate explanation of events: "Bearing in mind the extent to which the Reformation is bound up with National History, The King cannot wonder that the Procession thus publicly announced, with its avowed object, created a grave sensation amongst English Protestants."⁸⁶

Gladstone, inclined perhaps to pettishness and self-concern, apparently seriously contemplated resignation. Troup was having none of that:

It would be a disastrous thing to public life if a minister who was in no way to blame had to suffer because he stood by a subordinate who at worst had made an honest mistake.⁸⁷

⁸⁵ BL, Add Mss 45993, letter of 8 September, 1908.

⁸⁶ BL, Add Mss 45985, Davidson to Gladstone, 19 September, 1908.

⁸⁷ BL, Add Mss 45993, letter of 25 September, 1908.

The moment had passed and Gladstone survived, amongst other things to deal with more ticklish issues concerning the treatment of suffragettes. The episode illustrates, however, how vulnerable Home Secretaries and Commissioners remained to unforeseeable collisions. On this occasion, there had been no untoward outcome and no need for sacrifice. 1886 had been very different and, although Harcourt and Matthews were able in 1888 to refer to Henderson's departure in terms respectively of "particular accident" and to his having been "perhaps unfairly sacrificed"⁸⁸, Gladstone understood that heads could still roll if, for whatever reason, things went wrong. Henry, of course, suffered that fate in 1918 as a result of the police strike.

⁸⁸ Hansard, Commons, 14 November, 1888, cols. 1166 and 1173.

CHAPTER 7

MUNICIPALISATION

Municipalisation – the control of the Metropolitan police by a *local* elected authority – did not come about until 2000, one hundred and seventy-one years after the force's foundation. London's policing arrangements were for long the exception: in every other part of Great Britain, including the City of London itself, the police were controlled by a local authority, although in the counties the authority had no elected members until 1888 and after that had a non-elected component of magistrates in the Standing Joint Committees. In Ireland, things were different: both forces (the Dublin Metropolitan police and the Royal Irish Constabulary) were directly under government control as, since 1922, in somewhat different configurations, they have essentially remained.

The peculiarity of London's policing in this respect was an unchanging fact throughout the period of the current study. However, the apparent acceptance of this peculiarity requires explanation. It is also right to try to put it into the context of larger political and administrative considerations which themselves were by no means static. An institution may retain a particular character over a long period but the perceived justifications for its doing so do not necessarily themselves stay immutable. There were also consequences, it may be argued, for other institutions or their lack. As one historian of London government put it,

the establishment of the Metropolitan force in 1829 inhibited the growth of other municipal institutions in London:

The very effectiveness of the centralised solution of the only problem which was regarded as urgent helped to postpone the general reform of metropolitan government by relieving the pressure at a vital spot. And when reform eventually came in 1855, it was far weaker than it would have been if the question of police administration had remained to be dealt with in terms of local government. ¹

Indeed, there were initiatives to *intensify* the peculiarity by encompassing amalgamation of the City police with the Metropolitan force. Amalgamation was recommended by the 1838 Select Committee and by the 1854 Royal Commission. ² A government Bill³ was tabled in 1863 as a response to the City force's failure to keep order and prevent crowd deaths following the progress to the City of the Prince of Wales and his fiancée, Alexandra, the Danish princess.⁴ However, that Bill was the sole government initiative on the subject. The Bill (which failed, embarrassingly, for hybridity) would have made no alteration to Home Office control.

¹ Robson, W., *The Government and Misgovernment of London*, Allen and Unwin, 1939, pp. 52-3.

² PP 1837-8 Vol XV, and PP 1854 Vol XXVI, *Report of the Royal Commission on the Corporation of the City of London*, p. xxiv.

³ *Metropolitan and City of London Police Amalgamation Bill*, PP 1863, Vol. III, p.51.

⁴ See PP 1863 Vol L for the Parliamentary Returns at pages 341, 345, 385, and 389 dealing with various aspects of the events. See also MEPO 2/24 for contemporary press comment. One consequence of the alleged slurs cast on the City force by the Metropolitan Commissioner was a furious apologia penned by the City Chamberlain. See Scott, B., *A Statistical Vindication of the City of London, or Fallacies Exploded and Figures Explained*, Longmans, 1867.

The government of London

As has already been noted above, "shortage of agency" facilitated government control over the new force precisely because there was no pre-existing metropolitan wide authority upon whom the responsibility could be conferred:⁵ Although it is true that most of the complaints from the superseded parochial authorities related to the expense of the new force, there were some who voiced a wish to participate in its control.⁶ They made no headway. Parliament supported the new arrangements and, apart from the special case of the City, gave no room to claims about the legitimacy of local authority control.

If the policing problems of the metropolis were "solved" in 1829, the other problems of metropolitan governance emphatically were not. There was a long and messy debate about what form metropolitan institutional change should take and for what purposes. This discussion was punctuated by resort to various partial expedients, for example a short-lived Board of Health as a response to the cholera threat, and a tendency to thrust administrative functions on the Metropolitan police - the regulation of public carriage vehicles, smoke abatement, the cleansing of common lodging houses, and even some responsibilities for dangerous structures.

⁵ "There was little if any political doctrine involved in the decision. It was chiefly a matter of expedience." Robson, W., *op.cit.*, p. 52. Whilst this may be true so far as it goes, at the same time it is clear that the government was not averse to assuming direct control. See, for example, Peel to Gregory 29 May, 1829, where the former is frank: "I have completed a work which has given me great trouble, but which was absolutely necessary, the annihilation of the parochial watch of the metropolis and its environs; and have given power to the Secretary of State to reorganise, on a very extensive scale, a new system of police..." Parker, C.S., *Sir Robert Peel*, Vol. 2, Murray, 1899, p. 114.

⁶ See, for example, HO 61/2 for the memorandum from a Covent Garden deputation in November 1830 arguing that the old watch was locally and publicly accountable, and recommending a Central Board with elected members under a government appointed chairman.

The establishment of the Metropolitan Board of Works in 1855 followed the recommendations of the 1854 Royal Commission. Although the Commission had favoured Metropolitan and City police amalgamation, it did not recommend putting the resulting force under the Board. An indirectly elected body, the Board was largely preoccupied with public works programmes like the embankment of the Thames, though it did assume responsibility for the fire brigade in 1865. The Metropolitan police had been considered as a possible destination for the brigade (formerly a creature of the insurance companies) at a time when such a duality was known in a number of provincial towns. In the end, however, the brigade and the then separate rescue service became amalgamated under Board control.

Whilst the Board addressed some of the concerns about metropolitan governance, it failed to deal with others. Indirect was thought to be inferior to direct election; the Boards' powers were too circumscribed; and, above all, no solution had been offered to the requirement for improved local administration *within* the metropolitan area which remained a patchwork of parishes and district boards devoid of any common rationale.

Debate continued inside Parliament and without. It did not establish a consensus precisely because there was no self-evidently correct outcome. The

internal merits of various preferences became overlaid by tactical considerations, above all how to deal with the position of the City. Also relevant, of course, was the experience of the Board and the practical and financial difficulties it encountered. In the 1860s, several Select Committees investigated the situation, all of them chaired by Acton Smee Ayrton, the gifted but choleric MP for Tower Hamlets.⁷ Outside Parliament, a vigorous battle of pamphlet and book developed. The future of policing was not at the centre of these discussions for two reasons: on the one hand, the discussions were preoccupied with designing a satisfactory urban architecture and, on the other, the most vigorous proponents of change simply took it as axiomatic that an elected authority would have responsibility for policing in London as was the established case everywhere else.⁸

The reformers tabled a series of Bills from 1867, less in any hope that they would become law than as a means of putting proposals forward and crystallising opinion. All the Bills sought to implement the principle of municipal control of the police, though with some variation on the detail – as well as

⁷ A.S. Ayrton (1816-1886) originally practiced as a solicitor in Bombay, returning to qualify as a barrister in 1853. Liberal MP for Tower Hamlets 1857-1874. He attracted attention with a long speech on London municipal reform in 1860. Amongst other things, the speech criticized the continuance of the City police "apparently for no other object but to put everything in confusion". (Hansard, Commons, 24 April, 1860, col. 78.)

⁸ On the other hand, would be reformers did not hide their views. In the 1860s, James Beal, an auctioneer and land agent who was a member of the St James's Vestry, was one of the most prominent exponents of municipal reform in London. He told the Ayrton Committee in 1861 "...I should like the police transferred to the corporation, and not to be in the hands of the Government; I think it is a local not an Imperial matter." PP 1861, Vol. VIII, *Select Committee on Metropolis Local Taxation*, Evidence, 13 May, 1861, Q 1221. Beal used stronger language in a pamphlet: "To guard our streets and protect our property, we are dependent on an imperial police, having no interest in our welfare – aliens amongst us, like Austrian troops holding an Italian town." See p. 8 of Beal, J. "To the editor of the *Star*", in *Municipal Corporations for the Metropolis*, No 14 of *Political Tracts* 1862, British Library 8138cc7. To an extent, Beal and his supporters were the policy wonks of their day. In theory it was desirable to secure reform, but in practice it was not generally regarded as an urgent issue.

uncertainty of effect as a result of sometimes perfunctory drafting. Thus the very first Bill, the Municipal Corporations (Metropolis) Bill,⁹ introduced by J.S. Mill in 1867, kept the Commissioner of Police but had the force organised on the basis of the nine boroughs (not including the City) which the Bill would have established. The Bills of the Sessions following in 1867-8 and 1868-9 were on the same lines¹⁰. As has been noted, the reformers presented a petition to the Home Secretary in January 1869.¹¹ One of their leaders, the MP Charles Buxton, sought to give their ideas wider currency in a pamphlet in the same year insisting that the new municipality should have “the control over the police and over the whole of the administration of justice.”¹² It was not a surprise, therefore, whereas when Mill had introduced his first Bill in 1867 he had made no mention of policing, in introducing his 1870 Bill Buxton was explicit:

What was really wanted was a strong central government for the whole metropolis – a government that should have control over the police and the administration of justice, over all sanitary measures, improvement of streets and other public works, including sewerage, gas, bridges, gaols, workhouses, asylums and so forth.¹³

However, the position of the reformers modified almost certainly in order to avoid opposition to their plans for the police becoming an obstacle to securing any reform at all. Thus, in his magnum opus *Municipal Government* of 1876,

⁹ *Municipal Corporations (Metropolis) Bill*, PP 1867, Vol. IV, p. 447. Mill also introduced separately as the other part of his scheme the *Metropolitan Municipal Government Bill*, PP 1867, Vol. IV, p.207 which would have expanded the City to create an entity known as the county of London.

¹⁰ PP 1867-8, Vol. III, p. 515; PP 1868-9, Vol. IV, p. 131.

¹¹ Emsley, C., *The English Police* Longman, 2nd edn, 1996, p. 85 – in the course of a chapter which reviews Victorian issues of police control as a whole.

¹² Buxton, C., *Self-government for London: the leading ideas on which the constitution of London should be based. A letter to the Rt Hon H.A. Bruce*, Metropolitan Municipal Association, 1869, p.7.

¹³ Hansard, Commons, 18 May, 1870, col. 855.

Firth temporised. Although the Metropolitan police would have become answerable to a municipal “Public Justice, Police, Prisons and Licensing Committee”, partly in recognition of the Exchequer contribution, the Home Secretary should be given some residual power:

It is also desirable to go somewhat further, and give the Home Office a power of giving orders in certain cases which should be enforced by the Chief Commissioner. If this were not deemed sufficient control, there seems no reason to apprehend danger from going still further, and giving the Home Secretary veto power upon the general regulations made by the Supreme Council for the management and division of the force.¹⁴

Bills introduced in 1875 and 1880¹⁵ were bolder as to architecture (abolition of the City, establishment of a single county administration divided into districts and wards) but temporised on policing. Explaining that the promoters had decided also to give the government a veto on the appointment of the mayor, deputy mayor and judicial officers, Lord Elcho explained:

Then, as regards the police, in the Bill as originally drawn, they were placed wholly under the control of the Corporation; but it was manifest that the objections urged against this proposal rested on sound grounds, and it was now proposed to do nothing at all with reference to the police, but to leave it to the Secretary of State and the House

¹⁴ Firth, J.F.B., *Municipal Government, or London Government as it is and London under a Municipal Council*, Longmans, 1876. Firth (1842-1889) was a barrister and longstanding President of the Municipal Reform League. He established himself as the leading expert on London government issues, his first major publication being *The Gas Supply of London*, 1874. He was MP for Chelsea 1880-5, and for Dundee from 1888 until his death while climbing in the Chamonix. Elected to the LCC in 1889, he was its first Deputy Chairman and his premature death was regarded as a real loss to the LCC in its formative period.

¹⁵ PP 1875, Vol. IV, p. 361; PP 1880, Vol, V, p. 369.

of Commons in Committee to decide how they would deal with the Imperial question of the police of this vast metropolis.¹⁶

Again, this concession was probably entirely tactical. In principle, it is likely that the promoters would have preferred municipal control but recognised that, for example, Bentinck's scorn in 1870 continued to speak a truth:

...he could not suppose that the hon. Gentleman [Buxton], in his most enthusiastic moments, ever imagined that Her Majesty's Government would relinquish control of the police and the administration of justice in the metropolis.¹⁷

Thus, in a further modification of his position, commenting on the 1880 Bill Firth settled for a position where

The control of the City Police is to be given to the Municipality, and also, after a scheme to be settled by the Secretary of State, it is proposed to transfer to their control the Metropolitan Police.¹⁸

The Government Bill of 1884

Whether the Government *should* relinquish control was, however, at the heart of the Cabinet's debate about the shape of the measure on London that they were committed to introducing. Moreover, the prolongation of that debate so delayed the Bill's introduction that not only did it miss the opportunity of the 1883

¹⁶ Hansard, Commons, 11 February, 1875, col. 237. There was no debate on the 1880 Bill which, like all its predecessors, made no progress.

¹⁷ Hansard, Commons, 18 May, 1870, col. 863.

¹⁸ Firth, J.F.B., *A Practical Scheme of London Municipal reform – Being an Epitome of the Municipality of London Bill introduced into Parliament in 1880*, London Municipal Reform League, 1881, p. 15.

Session but it was also introduced so late - 8 April 1884 - in the following Session that there was no chance of its becoming law.

In a scheme that was based on expanding the City corporation to create a directly elected authority for the whole of the Metropolitan Board of Works (MBW) metropolis, the policy problem that had to be resolved had three dimensions. First, was the City police (then controlled by the City without any Treasury subvention) to be amalgamated into a single force for the new municipality? Second, in new municipal arrangements that comprehended the City, could the absorption of the City police into the Metropolitan be presented convincingly as a Liberal measure without conceding municipal control? Third – a lesser, if not peripheral, problem - granted that the metropolitan municipality's boundaries were smaller than those of the Metropolitan police (15 miles radius from Charing Cross), how should the "surplus" Metropolitan police parishes be disposed of?

Essentially, the debate became one between the Prime Minister, Gladstone, and the Home Secretary, Harcourt, who had departmental responsibility for the legislation.¹⁹ The former took the position that, to be fully empowered, it was axiomatic that the two forces should be combined and that the proposed municipality should have responsibility for the police. This view was probably shared by a majority of the Cabinet at the outset, and it seemed, initially, not

¹⁹ It did not help Gladstone's relations with Harcourt that the Prime Minister tried to bounce his Home Secretary by leaking his own preference for municipal control to a *Daily News* journalist in February 1883 and implying that that preference had become government policy. See Davis, J., 'The Problem of London Local Government Reform', Ph D Thesis, Oxford, 1983, p.103. Harcourt responded by reminding Gladstone that the matter had still to go to Cabinet – see letter of 24 February, 1883, BL Add Ms 44198.

one to which Harcourt was wholly averse even if he saw himself as assenting to a position where an amalgamated City and Metropolitan force was for a while administered by the Home Office and only after an interval passed to the municipality. However, as time went on, Harcourt – influenced especially by the experience of dealing with resurgent Fenianism – became increasingly adamant that the policing responsibility should remain with the Home Office.

He took the issue to Cabinet in a wordy, at times bombastic, printed memorandum of 10 pages.²⁰ There had to be a single force: it had been recommended by successive Parliamentary investigations; and the notion of keeping the Square Mile under one authority and the rest of the 15 mile radius under another was “too preposterous to admit of serious discussion”. Much was made of the problem of the “surplus” parishes. Harcourt adverted to “the sheer impossibility of vesting in a popular Council the discipline and administration of such a force as the Metropolitan Police.” The new force could hardly assume responsibility for the Royal palaces, Parliament, the dockyards and the administration of the Contagious Diseases Acts. Fenian terrorism instanced the necessity for direct Executive control and action rather than relying on the due procedures of a Watch Committee which had to be summoned before it could engage and could not be entrusted with secrets. No such Committee could be relied upon to act impartially in cases of religious or political excitement. Detective work would suffer interference, and the Commissioner could be

²⁰ BL Add Mss 43923, “Most Secret” memorandum, 1 March, 1883. Gladstone doggedly annotated his copy with marginalia refuting – sometimes a little sophistically – many of Harcourt’s points, but even he gave up after page 8.

thrown over at the whim of a narrow majority.

Finally, he made two political points, the first about political accountability and the second an appeal to authority. As to the first of these:

The management of the Police of 5,000,000 people is a great responsibility, and those who have in charge should be capable of being called to account for it. The Secretary of State is directly responsible to Parliament in this matter, and he can be called to account for his conduct at any moment. The Common Council are out of the reach of Parliament. They can only be held responsible to their constituents, and that, perhaps, at a distance of some years. The gravity of this situation cannot be overlooked.

The appeal to authority consisted in a peroration asserting that his own opinions were the opinions also of Peel, Russell, Grey, and Cornwall Lewis "all the wisest men who have made the traditions of the Home Office since the dawn of Political and Municipal reform. They are still strongly held by all the permanent officials both of the Home Office and the Police. I cannot see how I can discard such authority, confirmed as it is by my own experience."²¹

²¹ A former Home Secretary has commented that Harcourt "fancying himself as a Fouché" here showed "an imperfect grasp of the difference between operational and administrative control". The meaning of this Delphic intended putdown is not clear, and may be thought to show a want of sympathy from one who 90 years later wrestled with not dissimilar problems, introducing swingeing terrorism legislation of his own. On the other hand, it is true that Harcourt allowed a penchant for easy rhetoric to run away with him to the point, at times, of being ridiculous. See Jenkins, R., *Gladstone*, Macmillan, 1995, p. 486. An account of the episode from the Harcourt side may be found at Gardiner, A.G., *The Life of Sir William Harcourt*, Constable, 1923, Vol. II, pp. 482-5. It is also relevant that Gladstone's Private Secretary had no doubt that the majority of the Cabinet sided with Harcourt. See Bahlman, D. W. R., (ed.), *Diary of Sir Edward Walter Hamilton, 1880-85*, Oxford University Press, 1972, entries for 31 March, 1883, and 12 April, 1883, at pp. 414 and 421.

In correspondence Gladstone attempted to persuade on merits and cajole as to means. As to the latter, for example, might not the Bill include a commitment to reviewing after some defined interval following the creation of the new municipality *whether* policing should be transferred to it? Harcourt argued that such a device conceded the principle and, until resolved, would hobble practice. The Home Secretary had to have control over all the police; there could be no equivocation.²²

This also meant that there would be no element of municipal control; and, moreover, such element as there had been would be abolished. Gladstone was clear that that position was incompatible with the objects of the proposed legislation:

It is my opinion (*valeat quantum*) that no amount of high arguing by the Cabinet will avail to carry through the present House of Commons a plan of Municipal Reform for London which shall *unite* the three conditions of a. One Municipality for the whole. b. Permanent State Police for the [whole] Municipality generally. c. Extinction of the Municipal Control over the City Police.²³

The upshot was a Bill²⁴ that, apart from according the normal Treasury policing subvention to the City, was otherwise silent about policing, an outcome assisted by the fact that the then most avid MP proponent of municipal reform, Firth²⁵,

²² See especially Gladstone to Harcourt 5 April, 1883, and Harcourt to Gladstone 6 April, 1883, BL Add Mss 44198.

²³ Gladstone to Harcourt, 18 May, 1883, in Matthew, H.C.G. (ed), *The Gladstone Diaries*, Vol. X, 1990, pp. 448-9.

²⁴ For the politics of the Bill generally, see Davis, J., *Reforming London: The London Government Problem 1855-1900*, Oxford, 1988, Chapter 3.

²⁵ J.F.B. Firth, MP for Chelsea 1880-5, and the author of *Municipal London*, 1876.

confessed that he did not in fact have strong feelings on the issue. The Bill would therefore have left the City and Metropolitan forces as they were. Whereas Harcourt, when introducing the Bill on 8 April, refrained from mentioning police at all, his opponents when they got their chance on Second Reading three months later²⁶ were not diverted by his silence. Ritchie²⁷, his Opposition counterpart, specifically instanced the omission of the police as evidence that the government thereby acknowledged the impossibility of their own project “by not conferring on the Board many of the powers which it was hoped by those who were mainly instrumental in raising the question would be vested in the new Municipality.”²⁸ Whereas Firth declared tactfully that he “would be glad to see such control in the hands of the Municipality; but they must move on this matter by steps”²⁹, others spoke to support the City and to denigrate the possibility of municipal control of the Metropolitan police.³⁰ After three days of Second Reading debate on 3, 4 and 8 July, the government withdrew the Bill on 10 July and made no further attempt to revive the project in a situation where they had given priority to franchise reform.

From his point onwards the reformers suffered from a situation where it could be alleged by their opponents (that is, the City and their Conservative allies) that even the reformers’ most likely Parliamentary champion – the Liberal party – did not support them as to municipalisation of the Metropolitan police. Even more, therefore, did this cause reformers to soft-pedal the proposal, especially

²⁶ The delay was occasioned by the decision to finish the franchise Bill’s stages first.

²⁷ Charles Thomson Ritchie (1838-1906) – see Appendix C.

²⁸ Hansard, Commons, 3 July, 1884, col. 1951.

²⁹ Hansard, Commons, 3 July, 1884, col. 1962.

³⁰ For example, see Hansard, Commons, 4 July, 1884, col. 61, and 8 July, 1884, cols. 518, 531 and 564.

in a situation where there was no uniformity even on the architecture of proposed reform. Accordingly, when a deputation went to see the Home Secretary and the President of the Local Government Board in December 1886, no-one mentioned policing.³¹

Local Government Bill

The reform that did eventuate was the Conservative scheme of the Local Government Act 1888 which, in addition to inaugurating elected councils for the counties, also created a directly elected body for London. One of the few points this scheme shared with the 1884 project was its silence on policing.

This was not, however, for want of trying. During the Committee stage of the 1888 Bill, James Stuart, the Radical member for Hoxton and longstanding Parliamentary critic of Home Office administration of the Metropolitan police, tabled an amendment to the effect that the new London council should have the same police powers as boroughs under the Municipal Corporations Act, 1882. The debate that then ensued took place, it has to be remembered, in a climate where recollections of the Pall Mall riot, the Cass case and Bloody Sunday in Trafalgar Square were still fresh.

³¹ *Municipal Government of the Metropolis, Proceedings of a Conference of Local Authorities on the subject of the Reform of Local Government*, December 1886. This initiative began in response to City proposals ventured in 1885 following the failure of the 1884 Bill. The pamphlet describes discussions between the delegates, some of whom came from Vestries and Boards acting only in their personal capacity, over the period leading up to the delegation. Whilst a majority appears to have favoured gradualist policies for the absorption of the Metropolitan police, this view was not reflected in the resolution intended for, but not actually tabled with, Ministers.

In an artful, low-key and conciliatory presentation, Stuart contrasted the omission of policing from the London settlement with the fact that in every other case the function was a local authority one – the natural level where the business could be despatched without encroachment on Parliamentary time. As to detail, he would be prepared to see the City force left alone, and a separate force established for the protection of Royal Palaces and public buildings. Much was made of the contentions that municipal management would be cheaper and that “it was in the highest degree desirable to secure sympathy between the government of the police and the people, so that the people might have confidence in the administration of the law”.³² Firth and Buxton offered sterling support, Firth maintaining that Home Office control was simply an expedient necessitated in 1829 by the absence of any competent, pre-existing local authority. Then there was militarisation:

The London policeman was not now a civil officer, but the force had developed a semi-military character. London policemen were under the control of a military man; they lived in lodgings to a certain extent isolated from the rest of the population; they were subjected to drill, and revolvers had been placed in the hands of some of them.³³

The only former Home Secretary who spoke – Childers, who had had the experience of being in office during the 1886 Pall Mall riots – supported the principle of municipalisation but thought “there must be a body of police responsible to the Minister for certain Imperial purposes”. The reformers' case

³² Hansard, Commons, 12 July, 1888, cols. 1102-1119.

³³ Ibid, cols. 1125-6.

was not, however, helped by support also from Cunningham Graham, who represented a constituency - North-West Lanark – exceedingly remote from the metropolis as well as a range of opinions generally regarded as especially *outré* for their times. Nor did the absence – naturally commented upon by Government Members – of both Gladstone and Harcourt from attendance at, let alone participation in, the debate assist the cause.

Some of Stuart's opponents concentrated particularly on public order fears:

...to place an army of 14,000 police under the control of an elected Council of 140 members was...preposterous...The control of the Metropolitan Police must always be in the hands of the Imperial Executive because London was the seat of Government...if they [Stuart and his supporters] had had control of the Metropolitan Police, London would still be trembling under the tyranny of the rioters in Trafalgar Square.³⁴

The Home Secretary, Matthews, on the other hand, did not resort to scare-mongering: he refuted the degree of exceptionalism in the Bill (Croydon and West Ham had been created boroughs but without 1882 Act powers, and Washington and Paris were examples of capital cities where there were government police forces); maintained that, granted the force's imperial functions and high pension costs, Home Office administration was not extravagant; and pointed out that the Commons was vigilant – almost too vigilant – in bringing the Home Secretary to account over the force.³⁵ The

³⁴ Ibid, A.A. Baumann, MP for Camberwell, cols. 1120-1121.

³⁵ Ibid, cols. 1127-1132.

President of the Local Government Board, Ritchie, excoriated the notion that there should be two forces under different control in one city, and roundly asserted in his peroration that

the Government would be lacking in their duty if they were to take such a stupendous step as to hand over this Imperial force, this army of men, to the control of any Local Authority whatever.³⁶

The amendment was lost by a majority of 70

The London County Council (LCC)

From the first Council of 1889 to 1907, the LCC was dominated by the “Progressives”, a wide coalition stretching from Liberal Imperialists at one extreme to proto-socialists at the other. That LCC control should be extended to the Metropolitan police was a policy favoured by predominantly left-wing elements. However, such a change required legislation and this remedy could be provided only by a Parliament dominated in turn for most of the equivalent period by Conservatives.

The first legislative moves were made by London Liberals in Parliament. Without real hope of making progress, they tabled a Metropolitan Police Bill in 1889 to effect the change. Future Commissioners would be appointed by the

³⁶ Ibid, cols. 1141 and 1147.

LCC with power also to fix salaries and duties. Within the first six months, Middlesex, and the Croydon and West Ham Boroughs would be permitted to opt out and assume policing responsibilities under the relevant county and borough Acts. The "surplus" parishes and their police officers would go to their respective county forces. There were provisions for the transfer of property and arbitration; accounts would no longer be presented to Parliament; and the LCC would be empowered to delegate its new functions to a committee. The bare 15 clauses did not constitute a satisfactorily complete scheme: their object was plainly just to assert an outline claim and gather allies from the promised opt-outs. Identical Bills were introduced in 1890-1 and 1894.³⁷

The Bills did not provoke great excitement in the Home Office. On the first, Troup minuted:

It is not I presume necessary to discuss this Bill seriously but it will be useful, in any discussion as to the control of the Metropolitan Police that may arise on the Estimates, to have a definite proposal from Professor Stuart and his friends of what they would do with the Metropolitan Police.³⁸

³⁷ PP 1889, Vol. VI, p. 429; PP 1890-1, Vol. VIII, p. 615; and PP 1894 Vol. VII, p. 597.

³⁸ HO 45/9811/B6895, minute of 8 July, 1889. Arrangements were made to block the 1890 Bill – HO 45/9811/B6895A and C – but, like the 1894 Bill – it was dropped. When invited to comment on the 1894 Bill (identical to its predecessors), the Commissioner asked to be excused from doing so: "Having regard...to the crude and very incomplete character of the provisions, I trust that the Secretary of State may be pleased to spare me from the invidious task of criticizing it." – letter of 20 April, 1894, on HO 45/9699/A50123B/3.

The issue was raised also, of course, within the LCC itself. Very early in the new authority's life, a motion was tabled by J.W. Benn, the member for East Finsbury.³⁹ The motion maintained that it was

necessary and expedient that it [the Council] should, in common with all other municipal bodies in the United Kingdom, have control of its own police; and that a Special Committee be appointed to advise the Council as the best means of carrying the foregoing into effect, and also as to the desirability of constituting a force of Imperial police for the protection of national buildings, and for other such purposes.⁴⁰

Benn's seconder "thought the backbone of municipal reform was the control of the police". However, the motion was lost to an amendment by Thomas Farrer which asserted the principle of transfer without seeking to press the matter. One speaker thought the authority was not competent to assume the responsibility. Another appealed to the authority of Gladstone quoting from an East End speech of typical equivocation in December 1888:

For instance, with regard to that important question of the metropolitan police, I am by no means certain that it would be necessary, or even prudent, for London, at the first moment after a great municipality had been constructed, to take over the management of the police. These are questions of adjustment and detail and I have spoken only of

³⁹ "John Benn, publisher, Liberal MP, teetotaler, social reformer and ardent Nonconformist, was one of the most representative figures of the Progressive majority" – Pennybacker, S., "The Millenium by return of post: Reconsidering London Progressivism 1889-1907' in Feldman, D. and Stedman Jones, G., *Metropolis London: Histories and Representations since 1800*, Routledge, 1989, p131.

⁴⁰ Saunders, W., *History of the First London County Council*, National Press Agency, 1892, p. 67. The motion was debated on 9 and 11 April 1889. (An attempt to raise the issue again at the time of the controversy over police pensions in 1890 was turned down by the LCC Chairman – p. 310.)

the outline; but though I will not say of all these questions our prevailing opinions are right or wrong, every one of them is ripe for discussion.⁴¹

Characteristically, Howard Vincent, now a member of the LCC as well as a Sheffield MP, ponderously deployed the authority of his inside knowledge from his period as Director of Criminal Investigations 1878-1884 to decry the whole project. The Metropolitan Police District was considerably larger than the LCC area and an LCC takeover would leave one million people outside the Council's area. It was most unlikely that Parliament would hand over the police when the LCC was already so overwhelmed with business:

He submitted, with all respect to this Council, that it was immature and undignified for them to be wasting their time in considering matters which were not definitely within their province. The constabulary was not...under the control of a select few, but was strictly under the control of the Imperial Parliament and the Imperial legislature.⁴²

Debate continued outside the LCC and in the periodicals of the day. The first salvo was fired in the *Contemporary Review* by H. Evans, a former employee of the Receiver and no doubt to an extent briefed from that source as well as from his own knowledge.⁴³ He took the Imperial high ground: "The orderly government of London is, indeed, far more a matter of imperial than of local concern." Structurally, the LCC comprised only one sixth of the Metropolitan Police District and no-one had explained how all the other business of the force

⁴¹ Ibid, p. 71.

⁴² Idem, p.70. See also the *Standard* of 12 April, 1889, which reported Vincent's remarks more colourfully: "They were making themselves ridiculous by crying out for some new toy, and by striving for possession and control of the most complicated machinery under the British Crown."

⁴³ Evans, H., "The LCC and the Police", *Contemporary Review*, Vol. LV, 1889, pp. 445-461.

would be carried on. Claiming that Stuart's case depended on the assertions that LCC control would mean less tyranny and less expense, he set out to demolish both. Having raised the spectre of an irresponsible LCC opposed to the government of the day and which might have permitted Trafalgar Square meetings in 1887, Evans lauded the *status quo*:

The present system, under which the officer responsible for the Metropolitan Police is a Cabinet Minister directly answerable to Parliament, seems to afford, on constitutional grounds, by far the best protection against oppression or a tyrannical exercise of their powers by the police.

Acknowledging that there had been an increase in expenditure, Evans argued Stuart was wrong to put it at 44% over the decade 1877/8 – 1887/8. By the doubtful expedient of arguing that pension costs should be excluded, Evans managed to claim that the increase was only 28% and that the force was not dearer than provincial equivalents.

Stuart responded in the next edition of the same periodical.⁴⁴ He attacked Evans for trying to frighten people with "bogies" and claiming in effect that the police were a body for the protection of the government from its own citizens: "In fact, if his argument is an argument worth anything, it is one against representative government in any sense." The "imperial" argument was a baseless anachronism. Expenditure *had* been disproportionate, and the

⁴⁴ Stuart, J., "The Metropolitan Police", *Contemporary Review*, Vol. LV, 1889, pp. 622-636.

Metropolitan police was the sole example of where rates could be levied without any responsibility to the ratepayer. It was no answer that matters could be raised in Parliament because the London members could always be voted down by everyone else.

The LCC was powerless itself to secure transfer and, whatever the stripe of government, there was no ministerial enthusiasm to help them out. On occasion, the behaviour of at least some LCC members seemed to justify the stereotypes of Harcourt's 1883 memorandum. The conviction of strikers for assaulting blacklegs during the gasworkers' strike of 1891 moved some LCC members to press for the reprimand of the stipendiary magistrate involved and the stopping of his pension. The *Times* was quick to draw the moral:

We may dimly imagine what sort of discipline would be maintained by a Chief Commissioner who knew that every action would be judged on political grounds and censured whenever it failed to please the anarchic spirits of the Holborn Liberal and Radical Association.⁴⁵

The issue was debated in the LCC also in 1894. A debate over two days was reported as a lacklustre affair ending in a majority of 46. Amongst other things, members were told by the Deputy Chairman that the LCC could run the police more cheaply than government.⁴⁶ No new ground was broken.

⁴⁵ *Times*, 26 October, 1891

⁴⁶ *Times*, 31 January and 7 February, 1894.

In an extension of the debate in the periodicals, C.A. Whitmore, one of the leading “Moderates” (that is, Conservatives) on the LCC (and the MP for Chelsea) had rehearsed the arguments for leaving things as they were in the *National Review* the year before.⁴⁷ Reminding his readers of the 1884 Bill and the subsequent failure of Gladstone and Harcourt to support the Stuart amendment to the 1888 Bill, Whitmore did not shrink from the bogey tactic:

...there are contingencies, which we all hope may never arise, but which cannot be ignored, the bare possibility of which should make any prudent citizen peremptorily refuse to hand over the control of the Police to the County Council. It is a disciplined force of some 14,000 men. At any moment of unhappy civil discord such a force in the Capital must be under the immediate control of the Queen's Government. No other authority, howsoever stable or business-like, could be safely trusted with such a force.⁴⁸

The Home Office papers do not record any evident alarm or anxiety in government about these proceedings. When, for example, the Clerk to the LCC forwarded the 1894 resolution, the papers were simply endorsed “Put up”, that is for no action.⁴⁹ However, they do record attempts to dust off the case for the *status quo*. In 1899 officials revised a memorandum originating from the late 1880s during the time of Charles Warren as Commissioner.

Entitled “The Special ‘Imperial’ nature of the Metropolitan Police”, it claimed that the original imperial role had been lost sight of when the special 1833 Treasury contribution was rolled up into the Exchequer grant system inaugurated for all

⁴⁷ Whitmore, C. A., “Conservatives and the London County Council”, *National Review*, Vol. XXI, 1893, pp. 175-186.

⁴⁸ Ibid, pp. 178-9.

⁴⁹ See LCC letter of 9 May, 1894 on HO 45/10425/A50123/5.

forces from 1857. Imperial functions included the protection of the Sovereign, Parliament, Government, and the Royal Parks, and the investigation of all crimes against the Sovereign and Government. In addition, it acted as a reserve to local forces on special occasions, and protected provincial and foreign visitors. This material was largely confirmed, though Troup, the senior official concerned, thought it prudent to omit the passage "Hence the Metropolitan Police is far larger in proportion to population and more expensive in proportion to rateable value than the police of any other town..." The file also recorded Warren's opinion that "Imperial" costs amounted to about one ninth of the whole.⁵⁰

Whilst there was no Parliamentary discussion of the Bills or otherwise of the issue, there was a Parliamentary paper in 1892 which surveyed policing arrangements in the capitals of the USA and the major European countries. It is not clear what spurred the exercise which was executed meticulously but with no evident haste over 1889-1892. With the exception of Rome, all other capitals had special arrangements though of considerable variety, including funding arrangements. The tendency of these findings would have been to vindicate the uniqueness of the London arrangements in the minds of those aware of the reports.⁵¹

⁵⁰ HO 45/10425/A50123/1A. The same line was taken in the Home Office evidence to the *Departmental Committee on Local Taxation*. See Final Report, Cd 7316, PP 1914 Vol. XL, Appx. XV of April 1912.

⁵¹ PP. 1892, Vol. LXXIX, *Reports from HM's Representatives in the US, France, Prussia, Austria, Italy and Spain on the control and organisation of the police in the capitals and provinces of those countries*, C 6749.

With the end of Progressive rule in 1907, there was no prospect of transfer of control for so long as the Municipal Reformers were in office, a period that ended only in 1934. Had the Progressives been successful in securing transfer when they originally requested, it is a moot point whether they would have faced the ratepayer revolt of 1907 sooner. As one observer has pointed out, the 1907 defeat showed:

how close an active, high-spending urban authority stood to the margins of ratepayer tolerance...If the costs of education "crushed" the Council after 1904...the LCC was perhaps lucky to be spared water purchase and police control.⁵²

For the rest of the period of this study there was never any serious prospect that London policing arrangements would be changed. Whilst the Lords veto would have been an ever present if rarely mentioned fact until the Parliament Act 1911, its disappearance made no material difference since municipalisation never became part of any government party's programme. There seems to be no surviving official record showing continuing consideration of the subject in either the Home Office or the Metropolitan police. The traumas of the police strikes 1918-1919 and the General Strike of 1926 together almost certainly put an end for decades to the notion of transfer to the LCC.

On a different plane but also part of the political climate in a different way was the policy and fiscal revolt in some London boroughs known in its most extreme

⁵² Davis, J., "The Progressive Council 1889-1907" in Saint, A., (ed), *Politics and the People of London: The LCC 1889-1965*, Hambledon, 1989, pp. 27-48.

form as “Poplarism”. This originated in Poplar following the council elections of 1919 which gave the borough its first Labour majority. Whilst part of Poplarism was concerned with offering favourable employment conditions to council workers and more generous allowances to the unemployed, the fiscal part concerned a refusal to levy rates (precepts) for other authorities when growing unemployment imposed severe burdens – and priorities – on the local councils responsible for raising the money for the local Boards of Guardians. At a time when only limited equalisation schemes were in place and local authorities remained responsible for poor relief, disadvantaged boroughs like Poplar confronted a situation where, under a predominantly localised taxation system, the poor virtually paid for the poor. Deciding to levy only council and poor rates from April 1921, the Borough Council determined to decline to rate for all precepts, that is for the LCC, the Metropolitan Asylums Board, the Metropolitan Water Board and the Metropolitan police. (In addition, Poplar initially withheld over £25,000 it had already collected for the January instalment of the police rate.)⁵³ The decision was clearly illegal, and the LCC (then under Conservative control) commenced legal proceedings. There followed a long saga during which thirty councillors were imprisoned for almost six weeks but at the end of which legislation was introduced to improve equalisation – the London Authorities (Financial Provisions) Act 1921. Later still, responsibility for poor relief was removed to county level with effect from 1 April, 1930 under the Local Government Act, 1929.

⁵³ See Branson, N., *Poplarism 1919-1925*, Lawrence and Wishart, 1979, for a fuller account. Also comprehensive, if drier, is Keith-Lucas, B., “Poplarism”, *Public Law*, 1962, pp. 52-80. The £25,000 was paid over in January – see Receiver’s letter of 6 June, 1921, on HO 45/11010/310440.

The Metropolitan police rate had been only one target amongst others in these campaigns, and the Receiver was not a party to the application for *mandamus*⁵⁴ embarked upon by the LCC and the Metropolitan Asylums Board. There is no evidence from the accounts of events written by those closest to them that there was any specific animus against the police. The Town Clerk told the Receiver that the Council's action was not against any of the precept increases but, rather, a protest against the government's inaction in respect of the Poplar unemployed scheme, the Metropolitan Common Poor Fund and the equalisation of the rates.⁵⁵ This emphasises the point made elsewhere that there was much that was specifically local to Poplarism: "...their great victory set no national precedent. The East End was no microcosm but only Lansbury's home ground."⁵⁶ Nonetheless, the threat to the finances of the police that Poplarism implied would have been another factor – as much perhaps in relation to how local authority control would be managed generally – in further distancing the prospect of any government voluntarily relishing any form of municipalisation. It certainly concerned Herbert Morrison who was engaged on making the Labour party electable in London: "Morrison argued that the electorate would never trust authorities which spent the ratepayers' money so recklessly and displayed such contempt for constitutional behaviour."⁵⁷

⁵⁴ The High Court writ which, if issued, compelled a public authority to undertake a legal duty it was judged it had failed to discharge. In addition, the Cabinet's Home Affairs Committee agreed on 17 August, 1921, that the Home Secretary should not move to enforce police rate collection against Poplar by means of appointing occasional overseers, the only means then available under the law – see HO 45/11010/310440/107.

⁵⁵ Receiver to Home Office 24 March, 1921, on HO 45/11010/310440.

⁵⁶ Schneer, *op. cit.*, p. 66.

⁵⁷ Donoughue B. and Jones G.W., *Herbert Morrison: Portrait of a Politician*, Weidenfeld and Nicholson, 1973. As Morrison himself put it: "...the real people we were after were in the government rather than the LCC...refusing the precepts would be to hold up such public services as education, school meals and medical treatment." Morrison, H., *Herbert Morrison – An Autobiography*, Odhams, 1960, p. 86.

There is also evidence that the prospect of municipalisation remained in the minds of officials. In the very first edition of the newly founded *Police Journal* of 1928, Troup, the retired Permanent Under Secretary of the Home Office and who had been as an official long involved with questions of policing policy, contributed an article which considered local and national police administration. It was clearly intended as a statement of contemporary orthodoxy and a defence of the current order, including of the more aggressive positions⁵⁸ the Home Office had assumed by reason of wartime necessities and subsequent Desborough benediction. Troup was emphatic:

The central government should have complete control of the police in the seat of government. It would be intolerable that the legislature or the executive should be at the mercy of a police force controlled by a municipal authority which might conceivably come into conflict with the national authority.⁵⁹

He went on to argue that, although controlled by government, the Metropolitan police was not exempt from democratic control. Just as the force was answerable to the Home Secretary, so was he answerable to Parliament:

Even in minor matters of local demands and grievances, the ninety-seven Members of Parliament representing areas in the Metropolitan Police District are not likely to be less

⁵⁸ Notably on the absorption by counties of the smaller borough forces, and the amalgamation of borough forces within conurbations. See Troup, C.E., "Police Administration, Local and National", in *Police Journal*, Vol.1, 1928, pp 17-18.

⁵⁹ Ibid, p. 7. Twenty years before Troup had described such an eventuality as a "disaster" – see his letter of 22 December, 1909, to the Treasury on HO 45/24567/174442.

careful of the interests of their constituents than would be members of any municipal council.⁶⁰

So far, so defensive: the heavy artillery was reserved for a straw man:

No-one could wish to exchange it [the system] for the American style of unrestricted local autonomy. That would mean the loss of all attempt at effective co-operation and consistent procedure. It would also mean breaking up the Metropolitan police into a dozen forces under separate local authorities with enormous loss of efficiency; and it would compel the Government to secure its own safety and independence either by military force or by providing a special police, expensive, without local duties, superfluous in ordinary times and probably inefficient to meet a great emergency.⁶¹

The straw man was duly pulverised. No-one had, however, made the suggestion Troup was so anxious to demolish. In practice, it may be taken that Troup's aim was simply to try to find ways to re-legitimate an arrangement commenced in very different circumstances nearly 100 years before. Some of his arguments were better than others and their reception would at the time have owed more to the unspoken experience of the General Strike in 1926 than their intrinsic weight.

This notion of the significance of the "imperial" dimension had, however, a long life. In 1950 a *Times* leader⁶² reflected on London government on the eve of the 50th anniversary of the boroughs created by the Act of 1899. Pointing out that

⁶⁰ Troup, op.cit., p. 11.

⁶¹ Ibid, p. 17.

⁶² *Times*, 31 October, 1950.

the population had outgrown the original scheme's boundaries and that the LCC's reach was in any case limited since it did not control police, water or transport, it urged a review in favour of a new Greater London authority which could, amongst other things, control the police. Noting the leader, the Home Secretary, Chuter Ede, sent it to his Permanent Under Secretary, Newsam.

Subsequent discussion amongst officials referred to older papers including the 1889 memorandum. The general assumption was that the capital's policing had to be under direct political control. Newsam minuted the Home Secretary:

I cannot conceive of a position where the central government was not in control of the police of the Metropolis. This seems to me to be essential in the case of all sovereign States, and particularly necessary in the case of a State with Imperial commitments.

With typical tact and without pressing the matter further, Ede indicated that there was another parallel tradition:

In my early days I was brought up to believe that the non-municipal nature of the MP Force [sic] was a threat to civil liberty. I have no doubt this was an inheritance from the Radical hatred of Wellington and from the Chartist antagonism to a State Police Force.⁶³

Of interest, too, is the fact that the LCC's most famous early leader, Morrison, did not press the matter even though he had opposed continuing Home Office

⁶³ HO 287/24, both minutes of 9 November, 1950.

control on the same principle that he had argued in 1918 should apply to all local services that were centrally administered.⁶⁴ Later, writing both before and after he had been Home Secretary in the wartime coalition, Morrison reviewed the question of government control:

For many years this situation led to a demand on the part of Liberals and Labour people that the Metropolitan police should be put under the local authorities...but this proposal has never been agreed with the State and municipal opinion is divided on the matter...the desirability of the Government in the capital city having an efficient police force at its command is a consideration which cannot be dismissed out of hand; and since the Labour Party has been in office as a government, I rather think that Labour opinion may have been modified on the point.⁶⁵

Labour had, indeed, been in office as a government and was in such office at the time he wrote. His readers in 1949 would also have recalled that Labour, albeit as a minority government, had been in office twice before. On neither occasion, despite a Labour Party Conference motion of 1919⁶⁶, had it raised the issue of municipalisation. It had also, of course, refused to reinstate officers dismissed as a result of the second police strike. Morrison's triumphalist pamphlet of 1934 recording the activities of the first four months of Labour LCC

⁶⁴ Donoughue B. and Jones, G.W. , op. cit. , see reference to article in *London Labour Chronicle*, October, 1918, at Note 6 to p. 115.

⁶⁵ Morrison, H., *How London is Governed*, Revd. ed., 1949, pp 124-5. This wording remained unchanged from that in the original edition of 1935. See *How Greater London is Governed*, Lovat, Dickson and Thompson, 1935, pp. 125-6.

⁶⁶ The unanimous motion asserted that Labour was opposed to special bodies for special services "because they complicate London government, lead to poor citizenship, and keep great public services out of the direct control of the electorate." See quotation in Gillespie, J., "Municipalism, Monopoly and Management: The Demise of 'Socialism in One County' 1918-1933", p. 109 in Saint, A (ed), *Politics and the People of London; The LCC 1889-1965*, Hambledon, 1989.

control in 1934 romped through the card of Labour's doings but at no point alluded to policing.⁶⁷

On the other hand, the argument did not entirely go away. For most Conservative politicians it was enough to condemn municipalisation on the grounds that, even at the height of Mrs Thatcher's electoral fortunes, it would have led inevitably to permanent Labour control. Indeed, it is likely that the revival of the case for municipalisation by Livingstone's Greater London Council in the 1980s⁶⁸ was one factor contributing to that authority's abolition in 1986.

The prospect of municipalisation never disappeared entirely for another fundamental reason: even at their best, and with possibly only one exception, Troup's arguments were conditional not absolute. That is, they were in fact based on an unspoken assumption that, if the fears they conjured could be laid to rest, then municipalisation could become a viable option in London. That is in fact what happened by the last years of the 20th century.

By then most of the specialist functions that Scotland Yard had run for the benefit of the police service as a whole had been moved out to other statutory agencies. The Yard had also lost to the Security Service its functions in relation to Irish terrorism. Detective operations cutting across more than one force had for some time been regionalised in crime squads; all the Yard's national

⁶⁷ Morrison, H., *London under Socialist Rule*, Labour Party, 1934. It is, of course, unlikely that either of the minority Labour governments between the Wars (Morrison was a member of the second 1929-31) would have been able to sustain the necessary legislation to transfer responsibility for the police and all the other centrally controlled services.

⁶⁸ See, for example, *A New Police Authority for London: A Consultation Paper on Democratic Control of the Police in London*, GLC, 1983.

intelligence as opposed to London intelligence work went into the National Criminal Intelligence Service founded in 1992; and in 1998 the crime squads themselves were amalgamated into the National Crime Squad. In addition, the Criminal Records Office became a national agency outside the Yard. Police finance and control had become increasingly orchestrated from the Home Office under statutory schemes which had eclipsed the old 1829 forms and their rationale. The Receiver was no longer needed as a spy in the Commissioner's camp following his integration from 1968 into more sophisticated and increasingly transparent management procedures within the force. The fact that Conservative Home Secretaries became as a result more relaxed about municipalisation and themselves moved to set up an arm's length Police Committee reporting to them was a reflection of the cumulative impact of these changes and the fact that they had removed most if not all the political charge still remaining in the prospect of municipalisation in London. It is true, of course, that the *content* of what municipalisation then implied was less, but London was not alone in that respect.

The one argument Troup offered that possibly was not conditional in the same sense as the rest was the "imperial" argument, still trotted out in 1950. But that depended on there being an *imperium* to be imperial about. Long before 2000 the imperial argument had not so much lost its force as disappeared entirely.

In the sense that 1829 may be seen as an act of centralisation *within* London, it was the progressive centralisation of the rest of the police service in England and Wales on the Home Secretary in the last third of the twentieth century that paved the way for the change.⁶⁹ From 1829 the Home Secretary's relationship with the force was exceptional. By the end of the next century it had become, unspoken, the norm. From that point of view, municipalisation *in* London was therefore simply a recognition of what had changed *outside* London. In other words, municipalisation was conceded only when it had become devoid of any content desired by central government and that government felt confident that it could exercise control without having also to accept the immediate political responsibility.

⁶⁹ Moreover, change in policing arrangements has to be understood in the context of changes between central and local government overall. As has been pointed out "By the end of the twentieth century, local authorities had been transformed essentially into agencies of the central government." Loughlin, M., "The Demise of Local Government" in Bogdanor, V., (ed.), *The British Constitution in the Twentieth Century*, Oxford University Press, Oxford, 2003, p. 553.

PART IV: RETROSPECT

CHAPTER 8

CONCLUSIONS

This chapter reflects on the principal findings of a study whose main object has been to put the politics back into accounts of London policing.

Whilst the fact that it was Britain's largest force has always given the Metropolitan police a special interest, its closeness to Westminster and the direct involvement of a senior Cabinet minister in its management makes it unique. The latter is a consideration insufficiently emphasised by Critchley (who was concentrating on the provincial forces) and misunderstood and misrepresented by Reith and Ascoli who could only see it as a vexatious impediment to untrammelled Commissioner control.¹ Even so, it has to be borne in mind that, whilst a solely police perspective has value when looking at the force's development, that development itself has to be seen against a background of larger movements in the character of the British state.

The experience of the force in that respect is illuminating. Devoid of any settled cadre of ready made professionals available for the senior posts, Home Secretaries turned to existing, arguably cognate professions. Whereas in 1829 to 1856 this could only mean resort to the army and the bar, the appointment of Harris in 1856 and the District Superintendent appointments of

¹ See, for example, Ascoli, *op. cit.*, p. 129.

Howard and Walker in 1869 showed the first glimmerings of recognition being accorded to a nascent police professionalism.

However, there was no steady, linear progression in that regard. Walker was not regarded as a success, and his unhappy experience in the Pall Mall riot of 1886 made him look ridiculous. Indeed, the result was a reaction at Chief Constable level in favour of armed service officers which lasted (with the exceptions of Williamson and Macnaghten) until 1918. Even though appointments at Assistant Commissioner level included a number of civilians, appointments at all levels displayed a crucial common characteristic: they went overwhelmingly to men already socialised into the ways of political control, either directly by virtue of their employment experience or indirectly by reason of their profession or social background.

Even Howard Vincent, presented above as a risky appointment, was a risk only in the sense that he was recruited for a high profile, novel role without evident qualifying experience. In the sense of his background and understanding, he was no risk at all. His appointment is remarkable also for being a case where he *made* a reputation² in his role rather than *brought* a reputation, however modest, to his function - the very reason why others were judged qualified.

² Gladstone's Private Secretary's view of the *parvenu* Vincent is reflected in his recording that Harcourt's wish that Vincent receive the CB was "out of all question". See entry for 29 August 1883 in Bahlman, D. W. R., (ed.), *Diary of Sir Edward Walter Hamilton, 1880-1885*, Oxford University Press, 1972, p. 477. Vincent was well known to Hamilton because the former was responsible for Gladstone's police protection.

The Metropolitan police civil staff also reveal aspects of the British state's slow transformation of its civic institutions from a cosy oligarchic playground to a more meritocratic form. In this case, however, the transformation was accompanied by labour market changes which saw status changes hostile to formerly privileged positions. The persistence in the Yard's civil staff of a patronage system well beyond its termination in the sponsoring government department shows how the winds of bureaucratic change did not blow keenly or searchingly in the remoter parts of bureaucracy. That the ending of the patronage appointment of civilian clerks at Scotland Yard took an initiative from the Commissioner – Edward Henry in 1907 – rather than from the Home Office is an interesting comment on the evolution of bureaucratic norms. Whereas officials in the Home Office seemed keen enough to advance their own status³, they were not over-diligent in extending professional endeavour elsewhere in areas clearly subject to their influence.

Of all the civil staff, John Wray stands out as one whose trajectory exemplifies (though not fully completed in his case) the movement from loosely regulated office holders with plural interests to more minutely accountable, full-time officials. Whilst acting as Receiver from 1829, Wray had two other, simultaneous occupations – he ran a life insurance business and practised at the Parliamentary bar. He can be seen operating entrepreneurially in areas still in his day largely unregulated. Although there was much Parliamentary indignation about his operations in 1845, Wray merely exploited procedural lacunae for which Parliament itself was responsible. Similarly, life insurance

³ See Pellew, J., op. cit., p. 60 for the Home Office First Division's remonstrance in 1894.

was a largely unregulated business, and one in which he persisted even following the Home Secretary's reprimand of 1845.

He was not the last entrepreneur. Howard Vincent may also be seen in the same light, with the difference that he was unquestionably a full-time official. His entrepreneurship was of another kind: he sought to develop and exploit his office, and establish himself in metropolitan political life.⁴ The personal outcome was marriage to an heiress at St Peter's, Eaton Square, and a solid Sheffield seat in Parliament which he occupied until his death, surviving even the Conservative meltdown of 1906.

The forms of financial control also illustrate how limited were the aspirations of government for much of the period. Where rates remained the principal form of personal taxation, local pressure on revenue was powerfully persistent. The absence of municipal control in London did not free the Home Secretary to allow the police to levy what they liked. On the contrary, the rates were subjected to a form of capping which allowed them to grow with the growth of rateable values but no more. This was not even indexation because the rate of increase was tied to the physical and population growth of London, and this slowed towards the end of the period. Demand – amongst other things from the police themselves over pensions and rest days - did not, however, follow

⁴ See Littlechild's account of Vincent's expansion of function to include cases where no complaint had been made – Littlechild, J. G., *Reminiscences of Chief Inspector Littlechild*, Leadenhall, 2nd Edn., 1894, p. 14. Until the Home Office realised in 1883 what he intended, Vincent's reform of the *Police Gazette* had been based on entirely commercial principles – see HO 45/9618/A14252. As to politics, Vincent used his position in effect industriously to socialise. As his biographers put it, "...now that Vincent had acquired an honourable and solid position, he found the doors of Society flung invitingly open." Jeyes, S.H. and How, F.D., *The Life of Sir Howard Vincent*, Allen, 1912, p. 130. It may be inferred that he used retailing knowledge gained from his responsibility for Gladstone's protection to ingratiate himself with social contacts – see St. Helier, Lady, *Memories of Fifty Years*, Arnold, 1909, p. 250.

suit, and the cap was raised minimally as a result both by the clumsy indirect expedients of 1888-90 and, more directly, by the Act of 1911.

It is possible to represent this experience as merely the product of negligent or mean officials and ministers.⁵ Looking back from more generous times, sympathetic souls might agree. They would, however, be mistaken: the Metropolitan police were not singled out for special parsimony. They merely experienced the consequences of funding policies that impacted impartially across government and were visited with similar effect (with some mitigation in the case of the City of London police) on all other forces. There was no welfare state in the period, although the end of it saw what could be subsequently recognised as new patterns of social spending on the basis of new sources of revenue. Receivers and Home Office officials were merely the conduits of fiscal policy, not its determinants.

The differentiation of policing functions evolved spontaneously with little government direction or leadership. A meagre Home Office staff in the Criminal Department laboured in a modest structure which lumped policing responsibilities in London – one of the Home Secretary's most direct responsibilities – together with provincial policing and all other criminal business. The latter included a range of judicial appointments, the operation of the criminal courts, the prerogative of mercy, and criminal law and procedure. It is not surprising that there were so many distractions for officials and

⁵ For example, Ascoli, *op.cit.* p 60, and pp.152-3, in addition to p. 188 already cited above.

ministers: it is surprising only that the Metropolitan police received sometimes any attention at all.

Relations between the Home Office and the Commissioner were never determined by technical, legal requirements alone. Nor was the Metropolitan police ever in practice the sub-department of the Home Office suggested by the inclusion of its staff in the Home Office list. There were practical limits to the Home Office's abilities to control the force whose size from inception eclipsed the size of the organisms upon whose model the 1829 Act was based. Seven stipendiary courts and handfuls of magisterial officers were in no way comparable with what the force quickly became. The Home Office tried to make the best of things in the context of the governing legislation and the absence of any alternative model. Hence its routine insistence on the modalities and, in its appointments practices, the appearance as opposed to the substance of control. Its increasing resort from Henderson's time to the Receiver as a surrogate was in implicit recognition of its own incapacity.

To an extent, therefore, there was pretence and hypocrisy. Yet, if political control was not asserted continuously, in crisis it brooked no opposition – and took no prisoners. The Hyde Park troubles of 1866/67 finished Walpole's career just as the Pall Mall riots of 1886 finished Henderson's. Matthews teetered vertiginously more than once during 1886-92 but managed to avoid falling, though at the cost of two Commissioners. Henry paid the price of his own and the Home Office's failure to respond effectively to nascent unionism in the force.

No-one could describe the system of financial control as optimal, yet in its imperfect way it avoided ratepayer dominance, on the one hand, and ratepayer rape on the other. Whereas the system's statutory cap had been originally proffered as a device to make government control palatable, it became a device for controlling the Commissioner rather than the Home Secretary. Such things had not been, could not have been, foreseen. In the same way, by 1920 the force had accumulated a series of national functions both as a result of the specialisation natural to its size and because the Home Secretary was freer to permit or introduce innovation in the metropolis than he was anywhere else.

One of the striking features in retrospect is how relatively insensitive the political culture appears to have been to the experience of "ordinary" people at the hands of the force. Parliament was quick enough to demand explanations of public order failures – Hyde Park, Trafalgar Square – but, if anything, the handling of the complaints of individuals seemed to deteriorate after the interventionist activities of Rowan and, at least in his earliest phase, Mayne. The apparent absence of records of direct Commissioner interest in individual cases after the 1840s plus the well-researched conclusions of Gamon in 1907 and the writer of the *Times*' articles following the publication of the Royal Commission report in 1908 suggest a certain systemic unresponsiveness. The attitude of the Home Office during the 1929 Royal Commission seems consistent with the drift of these earlier findings. The fact that the force tended to view complaints as primarily raising questions of

internal discipline showed both a distinctly inward-looking attitude and one that assumed that the management of the force should be the sole judge of outcome.

Writing shortly after the establishment of the Independent Police Complaints Commission, it would be too easy to rush to condemn the inadequacy of earlier performance when our own age has struggled to reach a universally accepted settlement. The question, rather, is why did the individual complainant appear to enjoy so low a priority?

There are a number of possible reasons. First, as already observed, although there were procedures, they were entirely under the control of, or dominated by, the police themselves. Civil court remedies were not easily used when there was no access to legal aid. In addition, unrepresented complainants were unlikely to expect a comfortable run in magistrates' courts. Arguably, the first Commissioners were so active because they were programmed to minimise any justifiable opposition to the very continuance of the force.

Secondly, again as hazarded at a number of points above, most of the force's growth took place at a time of limited popular government. Where people were not thought fit to have the franchise, they were incapable of forcing their claims on the political process. Moreover, even when the franchise was widened, aristocratic forms and attitudes persisted. Though by no means necessarily contemptuous of their less well-endowed compatriots, an instinct to support the force was a natural reflex for many Parliamentarians and it was

also an instinct hostile to investigative machinery of any novel kind
unwelcome to the police.

Thirdly, an important dimension of difference from today was simply society's own inexperience in dealing with so relatively large and powerful an institution as the Metropolitan police. There were no rules inherited from the past and no very obvious guides to the future. As the Cass case demonstrated, responses tended to be made up reactively as people went along. As in so many other parts of the government machine, the British state muddled unheroically through.

Much the same can be said for the organisational development of a force where, apart from chroniclers like David Ascoli, historians have concentrated on the circumstances leading to its formation rather than what happened thereafter. Whilst the growth of government in the period has been much pondered, studies have rarely sought to concentrate on the police experience from this perspective or seek to contextualise that experience with

observations on government elsewhere.⁶ A debate which flourished in the 1960s and 1970s seems to have run out of steam: there is only perhaps so much that can be said about Benthamism, Chadwick and Dicey. Recognising in the end the non-linear pragmatism of government intervention, the pursuit of models and revolutions has tailed away. In addition, as Martin Wiener has pointed out⁷, such approaches have lost favour as the objects of their study have lost lustre in a changed political climate.

At all levels, with the exception of the founding and growth of the CID, the force experienced very little organisational change. What occurred was wholly internal and not far-reaching. The number of Divisions grew (mostly to include the government dockyards) and the subordinate rank structure underwent some differentiation especially at Inspector level. At no point, however, was the Superintendent rank eclipsed: Superintendents, promoted from the ranks, remained the unchallenged Divisional commanders and, despite Macready's two promotions to Chief Constable, the ultimate career aspiration of the

⁶ See, for example, MacDonagh, O., *A Pattern of Government Growth 1800-1860*, MacGibbon and Kee, 1961, which developed and responded to criticisms of his original article "The Nineteenth-century Revolution in Government: A Reappraisal", *Historical Journal*, 1958, pp. 52-67; Cromwell, V., "Interpretations of Nineteenth-Century Administration: An Analysis", *Victorian Studies*, March, 1966, pp. 245-255; Parris, H., *Constitutional Bureaucracy*, Allen and Unwin, 1969, which developed much of his earlier writing, including his critique – "The Nineteenth-Century Revolution in Government: A Reappraisal Reappraised", *Historical Journal*, 1960, pp. 17-37 – of MacDonagh's thesis of growth in its original form; Sutherland, G., "Recent Trends in Administrative History" in *Victorian Studies*, 1970, pp. 408-411; Sutherland, G., (ed.), *Studies in the Growth of Nineteenth Century Government*, Routledge, 1972; Cromwell, V., *Revolution or Evolution: British Government in the Nineteenth Century*, Longman, 1977; Cromwell, V. and others, *Aspects of Government in Nineteenth Century Britain*, Irish University Press, 1978. On the other hand, in his later work – *Early Victorian Government 1830-1870*, Weidenfeld and Nicholson, 1977, Ch. 9 – Oliver MacDonagh did consider policing developments. Similarly, Jill Pellew looked at such developments from the point of view of specialisation and professionalisation – see her "Law and order: expertise and the Victorian Home Office" in MacLeod, R., *Government and Expertise: Specialists, administrators and professions, 1860-1919*, Cambridge University Press, 1988, pp. 59-72.

⁷ Wiener, M.J., "The Unloved State: Twentieth-Century Politics in the Writing of Nineteenth-Century History", *Journal of British Studies*, 1994, pp. 283-308.

constable. Much of the change at headquarters was the result of managing a larger force and in response to the growing pressures to bureaucratised criminal justice controls in, for example, record keeping and, especially from 1856, statistical reporting. Published annual Commissioner reports commenced only in 1869, and were heavily statistical in content.

In the direction of the force, the Commissioner diarchy of 1829-1855 was replaced by Assistant Commissioner diarchy until 1881. A third Assistant Commissioner was not appointed until 1884 and a fourth until 1909. Apart from the emergence of a Deputy Commissioner post, the rank structure at the top remained unchanged until the last decades of the twentieth century.⁸

The need for legislation to create such posts was certainly an inhibition, but there was little appreciation – no-one had, after all, dealt with a similar, large organisation before – that one of the effects of maintaining a very restricted senior cadre was to lessen its ability to exert an adequate control over the conduct and culture of the force. In his own way, Howard Vincent grasped this and responded by means of his *Police Code*. First published in 1881⁹, it continued even after his death in 1907 up to the 17th and final edition in 1931. Part accessible source on relevant police law, and part hortatory conduct manual, Vincent saw the *Code* as remedying the deficiencies of the old official *Instruction Book*. He regarded the latter as narrowly hierarchical and descriptive in its approach to police duties and bereft of much real, practical help to officers on the ground. From 1882 to the first appearance of the

⁸ It is remarkable, for example, that the organisation structure of 1915 shown at p. 15 above would have been recognisable and little changed 50 years later.

⁹ Vincent, C.E.H., *A Police Code and Manual of Criminal Law*, Cassell, 1881.

Judges' Rules in 1912, the *Code* - with its inclusion of some advice by a celebrated judge (Henry Hawkins, later Lord Brampton¹⁰) - was the sole source of authoritative judicial guidance to the police on interrogation.¹¹

Whilst there is a risk of falling into the trap of anachronism, there are some further points to make about the organisational development of the force. First, the steady growth over the period at the bottom of the pyramid concealed the extent to which the problems of managing the force were changing. As turnover stabilised, control was not a matter of rough and ready discipline and energetic policies of dismissal, but (using admittedly modern terms) of enforcing management norms throughout the organisation. The very senior officers became ever more dependent on the Superintendents and the Superintendents tended, as Rowan well knew in the 1840s, to transmit convenient truth. The situation was not improved when Henderson ceased to have regular Commissioner meetings with the Superintendents.¹² As Gamon observed in 1907 when the Royal Commission was still sitting, the senior officers were remote figures who did not feature in the lives of the lower ranks. Macready, who instituted a practice of seeing all men of Sergeant and above on their retirement, encountered two Inspectors of thirty-five years' service who had never spoken to a Commissioner. Concluding that this emphasised the extent to which the Commissioner was a "kind of 'veiled prophet' to the majority of his men", the experience moved him "to recast the duties of the

¹⁰ See Harris, R., *The Reminiscences of Sir Henry Hawkins*, Arnold, 1904, for Hawkins' career.

¹¹ The evolution of the Criminal Investigation Department is the subject of a separate article. See Morris, R.M., "Crime does not pay": Thinking again about detectives in the first century of the Metropolitan police", Ashgate, forthcoming.

¹² Labalmondiere: "I think that was a mistake." - 1879 Committee, Evidence, Q 4440.

Chief Constables so that they might serve as my eyes and ears amongst the force".¹³

Overall, it is difficult to avoid concluding that in many respects the force was in effect allowed to run itself. This was not a disaster. The force was not sealed off against all outside influences. Although military to some extent in character, it was not an alien, occupying force. It was open to the scrutiny of the press and the invigilation of the courts, especially the stipendiary magistrates in the central areas. Parliament could also be stirred on occasion to raise issues with the Home Secretary. It became accepted as a fixture of metropolitan life and, as the notion of London as an imperial city grew, so the force became regarded as part of the imperial furniture – indulgently represented in *Punch*, the mirror of comfortable and pleased with itself England.¹⁴

These developments were not challenged by Home Office officials or ministers. Most of the more subtle developments in the force's character were unseen or, if seen, not recognised in terms of the concepts then available to comprehend or act upon them. Above all, there was no incentive to get too far under the skin of an organisation which was thought to deliver what was required of it without too much fuss. Putting the force under local authority

¹³ Macready, N., op. cit., p. 323. Whether the Chief Constables were in fact any more effective in respect of a larger force than their predecessors, the District Superintendents, who appeared before the 1879 inquiry no-one has, or perhaps could have, assessed. However, no doubt the initiative will have helped Macready to feel better about the situation. Perhaps more important was his practice of increasing his own visibility to the force. The Metropolitan police may not have been militarised, but intelligent soldiers still had things to teach it.

¹⁴ See Pulling, C., *Mr Punch and the Police*, Butterworth, 1964.

control was no more on the government's agenda in 1920 than it had been in 1829.

Anderson writing in 1910 may have exaggerated to say that the motto of the Department in the late 1860s was "to do as little as possible, and to do it as quietly as possible".¹⁵ But it has to be noted that Guillemard, writing in 1937, remembered the motto when he joined the Home Office in 1886 as "Live and let die".¹⁶ Scott, writing a generation later of what he found on entering the Home Office in 1911, was politer: "Laws had to be administered, but the department intervened only when it must, and then did so with reluctance."¹⁷ Although writing at very different times, they all presented a similar, enduring state of affairs: it was the same passive incrementalism that represented the norm in the Home Office's dealings with the Metropolitan police throughout the period of this study.

¹⁵ Anderson, R., op. cit., p. 42.

¹⁶ Guillemard, L., *Trivial Fond Records*, Methuen, 1937, p. 14.

¹⁷ Scott, H., *Your Obedient Servant*, Deutsch, 1959, p. 24.

MINISTERS AND OFFICIALS 1860-1920

Secretaries of State for the Home Department

Date of appointment

George Cornewall Lewis	18 June 1859
George Grey■	23 July 1861
Spencer Horatio Walpole■	6 July 1866
Gathorne Hardy	17 May 1867
Henry Austin Bruce	9 December 1868
Robert Lowe	9 August 1873
Richard Assheton Cross	21 February 1874
William Vernon Harcourt	23 April 1880
Richard Assheton Cross■	24 June 1885
Hugh C E Childers	6 February 1886
Henry Matthews	3 August 1886
Herbert H Asquith	18 August 1892
Matthew White Ridley	29 June 1895
Charles Thomson Ritchie	12 November 1900
Aretas Akers-Douglas	11 August 1902
Herbert John Gladstone	11 December 1905
Winston Leonard Spencer Churchill	19 February 1910
Reginald McKenna	24 October 1911
John Simon	27 May 1915
Herbert Louis Samuel	12 January 1916
George Cave	11 December 1916
Edward Shortt	14 January 1919 – 25 October 1922

■ Denotes former service as Secretary of State

Parliamentary Under Secretaries of State

George Clive	18 June 1859
Henry Austin Bruce●	14 November 1862
Thomas George Baring	25 April 1864
Edward H Knatchbull-Hugesson	1 August 1866
Somerset Richard Lowry	10 July 1866
James Fergusson	1 August 1867
Edward H Knatchbull-Hugesson	10 December 1868
George John Shaw-Lefevre	11 January 1871

Henry Selfe Page Winterbotham	17 March 1871
Henry Selwin Ibbetson	25 February 1874
Matthew White Ridley●	6 April 1878
Arthur Peel	23 April 1880
Leonard H Courtney	1 January 1881
Archibald Philip Primrose	8 August 1881
John T. Hibbert	7 June 1883
Henry H Fowler	12 December 1884
Charles B Stuart-Wortley	30 June 1885
Henry Broadhurst	6 February 1886
Charles B Stuart-Wortley	4 August 1886
Herbert John Gladstone●	19 August 1892
George W E Russell	12 March 1894
Jesse Collings	3 July 1895
Thomas Horatio A E Cochrane	11 August 1902
Herbert Louis Samuel●	12 December 1905
Charles Frederick Gurney Masterman	8 July 1909
Ellis Jones Griffith	17 February 1912
Cecil Harmsworth	4 February 1915
William Brace	31 May 1915
Hamar Greenwood	14 January 1919
John Lawrence Baird	10 July 1919 - 1 November 1922

- Subsequently Secretaries of State

Permanent Under Secretaries of State

Horatio Waddington	15 May 1848
Adolphus Liddell	14 August 1867
Godfrey Lushington	25 July 1885
Kenelm Edward Digby	7 January 1895
Mackenzie Dalzell Chalmers	9 September 1903
Edward Troup	1 February 1908 - 13 March 1922

Commissioners of Police of the Metropolis

Richard Mayne	7 July 1829 - 26 December 1868
D W P Labalmondiere	30 December 1868 - 12 February 1869 [Acting]
Edmund Henderson	13 February 1869 - 26 March 1886
Charles Warren	29 March 1886 - 1 December 1888
James Monro	3 December 1888 - 21 June 1890
Edward Bradford	23 June 1890 - 4 March 1903

Edward Henry	5 March 1903 - 2 September 1918
Nevil Macready	3 September 1918 -14 April 1920
William Horwood	20 April 1920 - 7 November 1928

Assistant Commissioners ø

DWP Labalmondiere	3 March 1856 – 1 December 1884
WC Harris	3 March 1856 – 30 June 1881
RLO Pearson	1 July 1881 – 30 May 1890
James Monro	8 July 1884 – 31 August 1888
AC Bruce	11 December 1884 – 31 March 1914
Robert Anderson	1 September 1888 – 30 May 1901
Charles Howard	23 June 1890 – 29 September 1902
Edward Henry	31 May 1901 – 4 March 1903
EF Wodehouse	30 September 1902 – 31 October 1918
Melville Macnaghten	19 March 1903 – 12 June 1913
FS Bullock	1 December 1909 – 12 January 1914
Basil Thomson	23 June 1913 – 30 November 1921
Trevor Bigham	29 January 1914 – 28 January 1931
FLD Elliot	1 April 1914 – 31 October 1931
William Horwood	1 November 1918 – 19 April 1920

Ø CE Howard Vincent was Director of Criminal Investigation 3 March 1878 – 14 June 1884 at the level, but without the status in law, of Assistant Commissioner.

Chief Constables ≠

Henry Baynes	1 May 1869 – 1 May 1881
Charles Howard	25 February 1869 – 22 June 1890
RLO Pearson	25 February 1869 – 30 June 1881
Robert Walker	25 February 1869 – 6 March 1886
Adolphus Williamson	8 July 1886 – 9 December 1889
WA Roberts	15 July 1886 – 28 October 1895
WE Gilbert	18 August 1886 – 31 December 1906
Bolton Monsell	18 August 1886 – 28 February 1910
AC Knollys	26 June 1890 – 24 September 1890
GH Dean	6 October 1890 – 18 August 1910
Melville Macnaghten	16 December 1890 – 18 March 1903
FS Bullock	17 March 1903 – 30 November 1909
EHT Parsons	14 October 1903 – 31 October 1918
AHM Edwards	2 November 1906 – 14 November 1912
Trevor Bigham	4 December 1909 – 28 January 1914
EM Lafone	1 March 1910 – 30 April 1926
GL Craik	17 November 1910 – 1 October 1914
SW Douglas	17 December 1910 – 7 December 1914

MH Tomlin	5 December 1912 – 14 January 1932
James Olive	1 October 1918 – 20 April 1920
William Horwood	28 October 1918 – 31 October 1918
HD Morgan	16 March 1919 – 7 February 1932
James Billings	27 April 1920 – 30 September 1927

‡ Between 25 February 1869 and 22 October 1886 the rank was "District Superintendent"

Receivers for the Metropolitan Police District

John Wray	7 July 1829 – 30 April 1860
Maurice Drummond	1 May 1860 – 31 August 1883
Richard Pennefather	1 September 1883 – 31 December 1909
George Henry Tripp	1 January 1910 – 31 December 1918
John Moylan	1 January 1919 - 1945

METROPOLITAN POLICE CHIEF CONSTABLES APPOINTED 1886-1920

Name	Appointed	Background	Trajectory
Williamson, A. F. 1831-1889	8.7.1886	s.o. David Williamson, 1 st Supt T Division and ex Sgt Major of Artillery. Clerk Ordnance Dept 1848. Joined Met police 1850. Sgt Detective Dept 1852 rising to Chief Superintendent CID 1877-1886.	Died 9.12.1889
Roberts, W.A.	15.7.1886	Lt Col, RHA	Dismissed for bankruptcy 28.10.1895
Gilbert, W.E. 1846-1918	18.8.1886	5 th s.o. W.A. Gilbert of Cantley Manor, Norfolk. Major 37 th Regt. [Burke's Landed Gentry, 1937 – Gilbert of Cantley and Chedgrave.] Chief Constable of Hull Jan-Aug 1886.	Retired 31.12. 1906
Bolton J. A. Monsell 1840-1919	18.8.1886	s.o Anglican cleric, and grandson of Archdeacon of Derry. Lt Col 73 rd Regt. Second cousin of William Monsell of Tervoe (1817-1899), 1 st Lord Emly, Cabinet Minister 1871-3. [Father of Bolton Eyres Monsell (1881-1969), Conservative Chief Whip 1931-5, 1 st Lord Monsell.]	Retired 28.2.1910.

METROPOLITAN POLICE CHIEF CONSTABLES APPOINTED 1886-1920

Name	Appointed	Background	Trajectory
Knollys, A.C. 1856-1890	26.6.1890	s.o. General the Rt Hon Sir William Knollys, Black Rod 1877-1883, and formerly controller of Prince of Wales's household. Captain and Adjutant, Scots Guards, formerly Assistant Chief Constable 1887-1890.	Died 24.9.1890 as result of fall from horse.
Dean, G.H.	6.10.1890	Captain, 12 th Lancers. Military Secretary to Governor, Bombay, 1885.	Retired 8.8.1910
Macnaghten, M.L. 1853-1921.	16.12.1890	s.o. of Chairman of East India Company. Manager of family estates, Bengal. Educated Eton.	Assistant Commissioner 1903-13
Bullock, F.S. 1847-1914	17.3.1903	Born India, s.o. civil servant. Educated Cheltenham. ICS 1868. Served variously in India as judge. Retired from ICS in 1899.	Assistant Commissioner from 1909 until death 12.1.1914

METROPOLITAN POLICE CHIEF CONSTABLES APPOINTED 1886-1920

APPENDIX B

Name	Appointed	Background	Trajectory
Parsons, E.H.T. 1868-1946	14.10.1903	s.o. RN Captain; educated Clifton and Woolwich; RA 1888; RHA 1899-1902, wounded S Africa.	Effectively required to resign 31.10.1918 following arrival of Macready.
Edwards, A. H. M. 1862-1944	2.11.1906	Born India, s.o. Bengal civil servant. Entered Army through militia. Lt Col 5th Dragoon Guards 1897. Commanded Imperial Light Horse and A Division S African Constabulary during S African War 1899-1902. Colonel and Military Secretary to Viceroy, India, 1905.	Resigned 14.11.1912 on appointment Commandant General Rhodesian Forces 1912-1923. Honorary Major General. Knighted.
Bigham, F. T. 1876-1958	4.12.1909	2 nd s.o. 1 st Lord Mersey created 1910, formerly an MP and King's Bench Judge. Educated Eton and Magdalene College, Oxford. Barrister 1901.	Assistant Commissioner 1914-1931; Deputy Commissioner 1931-4. Knighted 1929.
Lafone, E.M.	1.3.1910	7 th s.o. Alfred Lafone of Hanworth Park, Middx, MP for Bermondsey 1886-92 and 1895-1910. Major, 4th Hussars.	Retired 30.4.1926 on failure of eyesight.

METROPOLITAN POLICE CHIEF CONSTABLES APPOINTED 1886-1920

Name		Appointed	Background	Trajectory
Craig, G.L. 1874-1929		17.11.1910	s.o. Rt Hon Sir Henry Craik, 1st Bart (1927), Conservative MP for Scottish Universities 1906-27; formerly civil servant and Secretary to Scottish Education Department 1885-1904. Succeeded as 2 nd Bart in 1927. Educated Eton and New College, Oxford. Barrister. Served S African War 1900. Legal Adviser to Transvaal Chamber of Mines 1903-9.	Resigned 1.10.1914 for military service. Captain Lovat Scouts 1914-19. Wounded, Despatches, MC. Later, managing director, Commonwealth Trust.
				Resigned 7.12.1914 on appointment as Chief Constable Lothians and Peeblesshire Police. Retired 1950.
Douglas, S. W. 1870-1959		17.12.1910	s.o. Army officer. Commissioned RA 1890. Served S African War 1899-1900. Despatches twice. Major 1908.	
Tomlin, M. H.		5.12.1912	Major, 19 th Regt. Brigade Major in Territorial Division. Served S African War.	Assistant Commissioner 14.1.1932. Retired 28.6.1933.

METROPOLITAN POLICE CHIEF CONSTABLES APPOINTED 1886-1920

Name	Appointed	Background	Trajectory
Olive, J. 1854-1942	1.10.1918	Born Ireland. Joined Met police 1872 and promoted through all ranks to Superintendent 18.5.1903, serving at Scotland Yard from 1887	Assistant Commissioner 20.4.1920; Deputy Commissioner (the first ever) 1.12.1922. Retired 31.12.1925. Knighted 1924.
Horwood, W. T. F. 1868-1943	28.10.1918	Commissioned 5 th Lancers. War Office 1902-10. Chief Constable London and North Eastern Railway 1911-14. Brigadier Provost Marshall of BEF 1915-18.	Assistant Commissioner 1.11.1918. Commissioner 20.4.1920. Retired 7.11.1928.
Morgan, H.D.	16.3.1919	Superintendent Devonport Dockyard, the youngest of the serving Metropolitan Superintendents. Most of service at Scotland Yard (14 years) or outside London – Woolwich Arsenal, Pembroke Dock and Rosyth. Credited with successful reform of Scottish naval stations. Father and two uncles all attained Detective Inspector in Met.	Retired 7.2.1932.

METROPOLITAN POLICE CHIEF CONSTABLES APPOINTED 1886-1920

Name	Appointed	Background	Trajectory
Billings, J.	27.4.1920	Former Superintendent.	Retired 30.9.1927.

Sources:

- Army List
- Who's Who
- Dictionary of National Biography
- Burke's Landed Gentry
- Lodge's Peerage
- Police Gazette
- Home Office and Metropolitan police papers

BIOGRAPHIES

AKERS-DOUGLAS, Aretas (1851-1926)

s.o Anglican "squarson" from a long line of slave owners in St Kitts. Educ. Eton and University College, Oxford. Barrister 1875, though never practised. Received a major inheritance in 1875. Incorporated into Kent Tory politics by Marquess of Anglesey, another major Kent landowner and formerly Disraeli's political manager. MP for E Kent from 1880. Career principally as a very successful Chief Whip 1885-95. 1st Cmr of Works 1895-1902. Home Secretary 1902-05. Survived landslide election 1905. Coronation peer 1911 as Viscount Chilston.

ANDERSON, Robert (1841-1916)

Born Dublin, s o Crown Solicitor for Dublin. Educated TCD: BA 1862; LL D 1875. Practised at Dublin bar, becoming involved in Fenian cases from 1865. Attached to HO as adviser on political crime from 1868. Ran Fenian spy Le Caron for 20 years. Secretary Royal Commissions on Railway Accidents (1874-7) and Loss of Life at Sea (1884-7). Secretary of Prison Commission 1877 and appointed Asst Commissioner and Head of CID, Metropolitan Police, 1888, retiring 1901 when appointed KCB. Underwent an acceptance experience at hands of an American evangelist 1860 and had 18 religious books published in addition to *Sidelights on the Home Rule Movement*, 1906, *Criminals and Crime*, 1907, and – for which much criticized in Parliament - *The Lighter Side of My Official Life*, 1910.

ANDERSON, William George (1804-1897)

2nd s o James Anderson, senior clerk, GPO. Clerk, Navy Office, 1825; Admiralty, 1832 (where recruited and became protégé of James Graham – see below); Paymaster General's Office, 1838; Asst Paymaster General, 1841; Auditor Duchy of Cornwall and Member of Prince of Wales' Council, 1851-91; Treasury, 1854 (thought to have been recruited by Gladstone, and rose to be Principal Clerk, Finance Division); Assistant Comptroller and Auditor General, 1867, until retirement on full pay 1873. KCB 1870.

ASQUITH, Herbert Henry (1852-1928)

Educ City of London School; Balliol College, Oxford. 1st Class degree, Presdt Oxford Union. Barrister 1876. MP for East Fife 1886-1918 and for Paisley 1920-24. Came to public prominence as junior counsel for Parnell during Parnell Commission hearings 1888-9. QC 1890. Home Secretary 1892-95. Chancellor of the Exchequer 1905-8. Prime Minister 1908-16. Earldom 1925.

ATHERLEY-JONES, L.A. (1851-1929)

s.o. Ernest Jones, Chartist leader. Had met Marx, Engels, Mazzini and Fergus O'Connor as a child. Educated Manchester G.S. (where supported reprieves for the Fenian "Manchester Martyrs").and Brasenose, Oxford, where his room was ragged after speaking up for the Irish rebels in College debating society. Barrister, N. Circuit; briefed frequently by miners' organizations in N.E. England. MP for N.W. Durham 1885. Known as the "Member for Miss Cass" after defeating HMG over the case in an adjournment debate in 1887. Recorder of Newcastle on Tyne 1906. Judge of the City of London Court and Commissioner for Assize at the Old Bailey 1914. Said of himself: "So far as my party was concerned, I was more or less an Ishmaelite..." See bibliography for his autobiography.

AYRTON, Acton Smee (1816-1886)

s.o. barrister in Bombay, and himself practised there as a solicitor returning to UK 1850 "with a moderate fortune". Barrister 1853 with intention of entering politics. Radical Liberal MP for Tower Hamlets 1857-1874. Made notable 1860 Commons speech in favour of reform of London government. Chaired sundry Commons Select Committees on London government problems. Parly Secretary to Treasury 1868. First Commissioner of Works 1869-73 when his brusque manner led him into rows and made enemies. Judge Advocate General 1874 but lost seat that year and never re-entered Parliament.

BIGHAM, Hon Sir (Frank) Trevor R (1876-1954)

2nd s o 1st Visct Mersey. Educ Eton, Magdalen Coll, Oxford. Barrister Middle Temple 1901. M. 1st Frances Leonora (d 1927) 2nd d o John L. Tomlin, 2 daus; 2nd Edith Ellen [PA to Commissioner], d o Lt Col David Drysdale. CC Met Police 1909; Assistant Commissioner 1914-1931; Deputy Commissioner 1931-4.

BRADFORD, Edward Ridley Colborne (1836-1911)

s o Anglican cleric. Mother was d of Henry Colborne Ridley, younger bro of Sir Matthew White Ridley, 3rd Bart., (and was therefore related to successor as 4th Bart Sir Matthew White Ridley, Home Secretary 1895-1900 – see below). Educated Marlborough. Entered military service EIC 1853 in 2nd Madras Lt Cavalry. Served Persian campaign, 1857, and Mutiny, 1858. 1st Central India Horse 1858-69. Political assistant Malwa 1860 and in sundry other states. Lost arm when mauled by a tiger, 1863. Capt 1865; Major 1873. General Superintendent of operations for the suppression of Thuggee and Dacoity. Responsible for relations with Rajput chiefs, 1878. Resident First Class and Agent for Rajputana. Lt Col 1879; Col 1884. GCB and KCSI, 1885. Secretary, Political and Secret Depts, India Office, 1887. ADC to The Queen 1889-93. Commissioner of Police, 1890. GCVO, 1902. Baronet, 1902. Retired, 1903.

BRUCE, Alexander Carmichael (1850-1926)

5th s.o. Anglican Canon. Educated Brasenose. Barrister, 1875, NE Circuit. Assistant Commissioner 1884-1914. Knighted 1903.

BRUCE, Henry Austin (1815-1895)

s.o. Glamorgan landowner. Educ Swansea Grammar School. Barrister 1837. Stipendiary for Merthyr and Aberdare 1847-52. MP from 1852. Parly Under Secretary, Home Office, 1862-64; and Home Secretary 1868-73. Created Lord Aberdare 1873.

BYRNE, William P. (1859-1935)

Educ St Cuthbert's, Ushaw, and London University. Post Office 1881, Home Office 1884. Assistant Under Secretary 1908. Chairman Board of Control 1913.

CAVE, George (1856-1928)

s.o. MP. Educ Caen, Merchant Taylors and St John's College, Oxford. Barrister 1880 and QC 1904. Participated in local government and became Deputy Chairman, Surrey County Council. Chairman Surrey QS 1894-1911. MP for Kingston 1906-1918. Solicitor General 1915. Home Secretary 1916-19. Lord of Appeal 1918, then Lord Chancellor 1922-1928.

CHALMERS, MacKenzie Dalzell (1847-1927)

s.o. Anglican cleric. Educated King's College, London, and Trinity College, Oxford. Barrister 1869. ICS 1869-72. Revising barrister 1881. Standing counsel to Board of Trade from 1882. County Court judge, Birmingham, 1884-1886. Involved variously in enterprises of legal codification. Legal member of Viceroy's Council 1886-1889. Asst Parliamentary Counsel 1899.

First Parliamentary Counsel 1902-03. PUS Home Office 1903-08.

CHILDERS, Hugh Culling Eardley (1827-1896)

Liberal MP Pontefract, 1860-86. Financial Secretary, Treasury, 1865-6; First Lord Admiralty, 1868-71; Chancellor Duchy of Lancaster, 1872-3; Secretary of State for War, 1880-82; Chancellor of the Exchequer, 1882-85; Home Secretary, 1886.

CHURCHILL, Winston Spencer Leonard (1874-1965)

s.o. Lord Randolph Churchill. Educ Harrow and Sandhurst. Commissioned 4th Hussars 1895. Present at Omdurman 1898 with 21st Lancers. Adventures in S Africa 1900. MP (C) for Oldham 1900. Sympathised with Boers and crossed Floor to become a Liberal 1904. Parly USofS Colonial Office 1906; Presdt Board of Trade 1908; Home Secretary 1910; First Lord Admiralty 1911; Chancellor Duchy of Lancaster 1915; CO 6th Royal Scots Fusiliers 1915; Minister of Munitions 1917; SofS for War 1918; Colonial Office 1920. Lost seat 1922. MP (C) for Epping 1924 and Chancellor of the Exchequer 1924-29. First Lord Admiralty 1939; Prime Minister 1940-45 and 1951-55.

CROSS, Richard Assheton (1823-1914)

Educ Rugby and Trinity College, Cambridge. Presdt of Union. Barrister 1849 and practised successfully on the N. Circuit. MP 1857-52 Preston, resigning to run family bank and take part in local government. MP 1868 for S.W. Lancs. Without any previous ministerial experience Home Secretary in 1874-80 and generally judged a success, dealing with difficult liquor licensing, housing, factories and employment legislation. Home Secretary 1885-6; SofS for India 1886-92; Lord Privy Seal 1895-1900. Retired 1902.

DRUMMOND, Maurice (1827-1891)

2nd s o Charles Drummond. Married 1847 Hon Adelaide Lister, d 2nd Baron Riddlesdale, and stepdaughter of Lord John Russell, twice Prime Minister. (Also related by marriage to Harcourt – see below.) Junior Clerk, Treasury, 1843; Assistant Clerk, 1852; Second Clerk, 1856; Private Secretary to G Cornwall Lewis, Chancellor of the Exchequer 1857-58, and Home Secretary 1858-59. Receiver of the Metropolitan Police 1860-83. Related to the Drummond banking family.

ELLIOT, Frank Leonard Dumbell (1874-1939)

s.o. Lt Governor Bengal. Educ Eton Entered Home Office from Open Competition 1898. Private secretary to Parly USofS. Assistant Commissioner Metropolitan police 1914-31.

EVEREST, George (1805-1885)

b. Bodmin. Clerk Home Office 1827 as Assistant Clerk and then from 1847 Clerk for Criminal Business. Retired on abolition of office 1876. CB 1877. Son became Receiver's Chief Clerk and retired 1913.

FARRER, Thomas Henry (1919-1899)

s o solicitor, Lincolns Inn. Educated Eton, Balliol College, Oxford. Barrister 1844. Joined Board of Trade 1848, working principally on marine matters until PUS 1865-1886. Member LCC 1889-1898, for nearly 2 years Vice Chairman. Created peer 1893.

FEILDING, William Henry Adelbert (1836-1895)

5th s o 7th Earl of Denbigh. Ensign 62nd Regt 1852; Lt 1853; Lt Coldstreams 1854; Major 1875; on half pay from 1877. AAG, Dublin District, 1864-69. Engaged in anti-Fenian intelligence in Ireland and, after the Clerkenwell explosion in 1867, attached to the Home Office for "special

services" in a group with a Capt Whelan, 8th Regt, and Robert Anderson (see above), disbanded in April 1868. Member of HO Metropolitan Police Committee on Detectives, 1878. Brig-General, Aldershot 1883-6; Inspector General Recruiting HQ Army 1894. Died of cholera at British Legation, Bangkok.

FERGUSON, Sir James (1832-1907)

Born Edinburgh. 6th Bt. Educated Rugby, University College, Oxford. Inherited approx 21,000 acres. Lt Grenadiers 1851; Captain 1854. Served Crimean War, and wounded at Inkerman. MP 1854 and retired Army 1856. Parly US India Office 1860-7, HO 1867-8 (chaired Metropolitan Police Committee), and FO 1886-91; Lt Gov S Australia 1868; New Zealand 1873-5; Bombay 1880-5. Postmaster General 1891-2.

FIRTH, John Firth Bottomley. (1842-1889)

Born Huddersfield. Barrister 1866. Longstanding President of the Municipal Reform League from 1873. Established himself as the leading expert on London government issues, his first major publication being *The Gas Supply of London*, 1874. He was MP for Chelsea 1880-5, and for Dundee from 1888 until his death while climbing in the Chamonix. Elected to the LCC in 1889, he was its first Deputy Chairman and his premature death regarded as a real loss to the LCC in its formative period.

FISHER, John William (1787-1876)

MRCS 1809; FRCS 1836. Practised from 21 Argyll Street. Surgeon to Bow Street Patrol 1821, to Metropolitan police 1829-65, and Superintending Surgeon from 1830. Knighted 1858.

GAMON, Hugh Reece Percival (1880-1953)

s.o. Chester solicitor. Educated Harrow and Exeter, Oxford. 1st Class Mods. and Lit. Hum. Barrister Middle Temple 1906. Northern Circuit – Liverpool and Chancery Bar. County Court Judge in York 1936. Chairman York Council of Social Service. Wrote *The London Police Court – Today and Tomorrow*, Dent, 1907 following a commission from the Toynbee Trust and living for over 12 months in the East End frequenting the Police Courts.

GATHORNE HARDY, Gathorne (1814-1906)

3rd s.o. John Hardy, proprietor of Low Moor ironworks, MP for Bradford, and Judge of the Duchy of Lancaster Court, Pontefract. Educ Shrewsbury and Oriel College, Oxford. Barrister 1840, N. Circuit. MP Leominster 1856-1865, and for Oxford 1865-1878. Parly USofS Home Office 1858-9. Presdt Poor Law Board 1866; Home Secretary 1866-8; SofS for War 1874-8; SofS for India 1878-1880; Lord President 1886-92. Viscount Cranbrook 1878; Earl of Cranbrook 1892. Retd from active politics in 1895.

GLADSTONE, Herbert John (1854-1930)

Ygst s.o. WE Gladstone and born in Downing Street whilst father Chancellor of the Exchequer. Educ Eton, University College, Oxford. MP Leeds 1885-1910. Parly USofS Home Office, 1892-4. Chief Liberal Whip from 1899. Home Secretary 1905-09, during when the Home Office had 22 Bills. 1910 made a peer and 1st Gov Gen of S Africa 1910-14.

GRAHAM, James Robert George (1792-1861)

Educated Westminster, and Christ Church, Oxford (left 1812 without a degree). Succeeded to baronetcy and estates 1824 in Cumberland. MP 1820-21, and from 1826 to death in various seats changing from Whig to Peelite Tory. First Lord Admiralty 1830 as a Whig where introduced modern accounting systems and acquired reputation as a competent administrator. Tory Home Secretary 1841-6. Want of conciliatory skills contributed to the Disruption of 1843 in the Scottish Kirk. Suffered from 1844 letter opening furore. Influential and most senior Peelite

after Peel's death in 1850 but declined leadership of the group. Returned to the Admiralty 1852-55.

GREY, George (1799-1882)

Gdson of 1st Earl Grey. Educ Oriel College, Oxford, graduating 1st class. Called to the Bar 1826. MP for Devonport 1832-47, North Northumberland 1847-52, and Morpeth 1853-74. Succeeded as 2nd baronet 1828. Home Secretary 1846 and for most of ensuing 20 years. Had a reputation for sound judgement and skill in dealing with detailed business.

HARCOURT, William George Granville Venables Vernon (1827-1904)
(known as William Vernon)

s.o. Anglican clergyman, grandson of Archb of York. Educ Trinity College, Cambridge. Barrister 1854. Engaged at bar and in political journalism. MP Oxford 1868-80, Derby 1880-85, Monmouth West 1895-1904. Solicitor General 1873-4. Home Secretary 1880-85. Chancellor of the Exchequer 1886, and 1892-5. Leader of Commons 1894-95 and of Liberal party 1896-98.

HARRIS, William Charles (1809-1887)

Ensign 68th Regt 1830. Sold out as Captain 1838. Chief Constable, Hampshire, 1843-56. Assistant Commissioner 1856-81. Published *A Manual of Drill for County and District Constables* 1862.

HAY, William (1782-1855)

Ensign 52nd Regt and served with them and 12th Lt Dragoons from Torres Vedras in 1810 until after Waterloo. ADC to Dalhousie in America for 9 years and sold out 1829. First Inspecting Superintendent under Metropolitan Police Act 1839. Commissioner 1850 in succession to Rowan (and described as the "Military" Commissioner by the Times obituary).

HENDERSON, Edmund Yeamans Walcott (1821-1896)

s.o. Vice Admiral. Educ Bruton and RMA, Woolwich. Commissioned Royal Engineers 1838. Served Canada 1839-45 and subsequently. Appointed Controller of convicts Western Australia 1850. Chairman of Directors of Convict Prisons England and Wales 1863, Surveyor General and Inspector General of Military Prisons. Commissioner of Metropolitan police 1869-1886. KCB 1878.

HENRY, Edward Richard (1850-1931)

s o RC medical practitioner from Mayo. Educated St Edmund's College, Ware, and University College, London, whence by examination to the ICS. Inspector General, Bengal Police, 1891. Published *Classification and Use of Fingerprints* in 1900. Assistant Commissioner 1901. Commissioner 1903. KCVO 1906; KCB 1910; GCVO 1911. Baronet 1918 on resignation in wake of police strike.

HOLYOAKE, George Jacob (1817-1906)

Born Birmingham and apprenticed as a tinsmith. A self-improver who went through Chartist (present at Bull Ring riots 1839), Owenite and co-operative (presided at opening of Toad Lane, Rochdale, shop 1843) development with strong rationalistic flavour. Imprisoned for blasphemy in 1842, and credited with coining the word "secularism". Involved in radical publishing and non-violent political agitation. A principled and respected figure who benefited from 1874 from an annuity raised by public subscription.

HOWARD, Andrew Charles (c 1840-1909)

Educated privately. Served with Rattray's Sikhs during Mutiny 1858. Chief of Police Patna and

Monghyr Metropolitan Police. District Superintendent, Metropolitan Police 1869. Assistant Commissioner 1890-1902. CB 1894; Knighted 1897; KCB 1902.

KNOX, Ralph Henry (1836-1913)

Educ TCD. Entered War Office 1856. Accountant General, War Office, 1882-97. PUS 1897-1901. Member of HO Committee 1888 on relations between Receiver and Commissioner. Subsequently, member of Royal Commissions on Indian Financial Relations, Civil Service Superannuation 1902 and Militia and Volunteers 1903. KCB 1895. PC 1903.

LABALMONDIERE, Douglas William Parish (1815-1893)

Educated Eton and RMC, Sandhurst, passing out with exceptional honours. Commissioned 83rd Foot 1833. Served Canadian Rebellion 1837-8. Special duties Ireland under Poor Law Commissioners 1848-9. Appointed from position as half pay Captain 45th Foot serving in Bombay as Inspecting Superintendent 1850. Accompanied The Queen on Paris State Visit 1855. Assistant Commissioner 1856. Acting Commissioner for three months 1868 following Mayne's death. CB and retired 1884.

LEWIS, George Cornwall (1806-1863)

s.o. Thomas Frankland Lewis, Harpton Court, Radnorshire. Educ Eton, Christchurch College, Oxford. Barrister 1831 but poor health prevented his practising. Instead undertook commissions of inquiry into Irish (poor law) and Maltese affairs. Succeeded father as Poor Law Commissioner 1839-47. MP for Herefordshire 1847-52. Parly USofS Home Office 1848-50. Financial Secretary Treasury 1850-52. Lost seat 1852 but succeeded to his father's baronetcy and seat as MP for Radnor Boroughs 1855-63. Chancellor of the Exchequer 1855-58. Home Secretary 1859-61. Secretary for War 1861.

LEWIS, Harvey (1812-1888)

b. Dublin, s o William Lewis. TCD BA and MA. 1838-1850 Irish Bar. 1857 Sheriff of Kildare. Contested Bodmin 1857 and Hull 1859. MP for Marylebone 1861-1874. Strong advocate of ballot and disestablishment of the Irish Church.

LIDDELL, Hon Adolphus Frea Octavius (1818-1885)

s o 1st Lord Ravensworth. Educated Eton and Oxford. (Brother, uncle and 2 cousins in the Church, 2 other brothers in Army, and another was Equerry to Duchess of Gloucester and Groom in Waiting to The Queen.) Fellow of All Souls. Barrister; QC 1861. Contested Gateshead unsuccessfully as Conservative 1852. Appointed PUS HO by Gathorne Hardy 1867. Retired a month before death.

LOREBURN, Lord [Robert Threshie REID] (1846-1922)

2nd s.o. Sir James Reid, Dumfries. Educ Cheltenham, and Balliol College, Oxford. Barrister 1871 and QC 1882. MP Hereford from 1880 and for Dumfries 1886-1905. Lord Chancellor 1905-1912.

LOWE, Robert (1811-1892)

2nd s.o. Anglican cleric. Educ Winchester, University College, Oxford. Remained first at Oxford as a university coach, and participated in the Tractarian disputes. Barrister 1842 when went to practice in Sydney, NSW. There he became, first, an appointed and later an elected member of the Legislative Council. Returned to UK 1850 becoming MP for Kidderminster in 1852. Board of Control 1852-5; Vice Presdt Board of Trade and Paymaster General 1855-58. MP for Calne 1859 and Vice Presdt Board of Education 1859-64. MP for London University 1868; Chancellor of the Exchequer 1868-73; Home Secretary 1873-4. Created a peer 1880 as Lord Sherbrooke.

LUSHINGTON, Godfrey (1832-1907)

Educated Rugby, Balliol (Oxford). 1st in Greats and Fellow, All Souls, 1854. (S o Stephen, Admiralty Judge and several times Whig MP. Grandfather made a baronet for services as Chairman of EIC. (Twin, Vernon (1832-1912), Secretary to the Admiralty 1869-77; County Court Judge, 1877-1900.) As a young man became interested in Positivism, and had a hand in translating Comte. Barrister whose practice included involvement in labour law. First Secretary 1866-9 to the RC on Digest of Law 1866-70. Contested Abingdon unsuccessfully in 1868 Election. Legal Adviser to HO 1869. Regarded in some conservative circles as of marked radical tendencies - a view which delayed but did not prevent his appointment as PUS HO 1885 by Cross after Prime Ministerial reservations and only after another preferred candidate withdrew. KCB 1892 (delayed by PM); GCMG 1899. Retired 1895.

McKENNA, Reginald (1863-1943)

s.o. civil servant who obtained post through intervention of Daniel O'Connor. Educ St Malo, Ebersdorf, King's College School; Trinity hall, Cambridge. MP N. Monmouthshire 1895-1918. Financial Secretary Treasury 1905. President Board of Education 1907. First Lord Admiralty 1908. Home Secretary 1911. Chancellor of the Exchequer 1915-16. Became Chairman of the Midland Bank 1919.

MACNAGHTEN, Melville Leslie (1858-1921)

Youngest of 15 children. Father Chairman of EIC. Educated Eton. Managed family estates Bengal, 1873-88, where met and impressed James Monro (see below). Appointed Assistant Chief Constable and in same year Chief Constable, CID, Metropolitan Police 1889. Assistant Commissioner and Head of CID, 1903-13. Knighted 1907.

MACREADY, Cecil Frederick Nevil (1862-1946)

Yger s. o. Charles Macready, actor, by 2nd wife. Educ Tavistock Grammar, Cheltenham, Marlborough and RMA. Commissioned Gordons 1881. Served Egypt campaign where became Staff Lt Military Police Cairo and Alexandria from 1884. Was Asst Provost Marshall, Port Elizabeth during S African War. Colonel 1903. Asst Adjt General, War Office, 1907. Commander 2nd Infantry Bde 1909. Major General 1910 S Wales disturbances. Adjt General BEF 1914. Adjt General Army 1916 and on Army Council. Commissioner Metropolitan Police 1918- 1920. GOC Ireland 1920-23.

MAULE, John Blossett QC (1817-1889)

2nd s.o. G. Maule, Treasury Solicitor. Educ Westminster and Christchurch College, Oxford. Barrister 1849. Recorder Leeds 1851-1880. Director of Public Prosecutions 1880-84. Member Home Office Departmental Committee on Detective Police 1877-8.

MAY, John (? - 1855)

First Superintendent A Division, 1829. Led police contingent to Birmingham Bull Ring riots 1839. Regarded by Commissioners as primus inter pares the Superintendents as A Division was established both as the elite part of the force and the locus of its operational administration.

MAYNE, Richard (1796-1868)

Born Dublin, 4th s o Edward Mayne, Irish Judge. Educated TCD: BA 1818; MA 1821. Barrister, Lincoln's Inn, 1822; practised N Circuit. Appointed one of the two Commissioners of the Metropolitan Police 1829 and became sole Commissioner following Metropolitan Police Act 1856. CB 1848; KCB 1851. Died in office.

MITFORD, Robert Sidney (1849-1931)

Educated Merchant Taylors. 3rd Class Clerk Home Office 1868. Private Secretary to Home Secretary in 1870 and 1873, to Parly Under Secretary 1874, and to successive Home Secretaries 1876-82. Prisons Commissioner 1882-1909.

MONRO, James (1838-1920)

Born Edinburgh. Educated Universities of Edinburgh and Berlin. Bengal CS 1857 serving as magistrate and judge, and as Inspector General of Police. Appointed Assistant Commissioner 1884 in charge of CID vice Howard Vincent (see below). Commissioner 1888 vice Warren (see below). Resigned 1890. Returned to Bengal where founded Ranaghat Medical Mission.

MOYLAN, John Fitzgerald (1882-1967)

Born Grenada, s.o. barrister. Educ Bedford, Queens' College, Cambridge. 1st CI Classics Tripos. Joined Home Office from Open Competition. Posted to S Wales 1910 to liaise between GOC, local policing and Home Office. Receiver 1919-1945.

PEARSON, Richard Lyons Otway (1831-1890)

Educated Eton and Sandhurst. Ensign 95th Regt 1847; Capt 7th Regt 1854; Lt Grenadiers 1855 and ADC to Sir George Browne in Crimea. Present at Alma, Inkerman, Kertch and Sebastopol. Sold out as Lt Col 1869 and appointed one of first four District Superintendents the same year. Assistant Commissioner 1881 until death. CB 1887.

PEMBERTON, Edward Leigh (1823-1910)

Educated Eton and St John's College, Oxford. Barrister 1847. MP for East Kent 1868-85. Legal Under Secretary, Home Office, 1885-1894. KCB 1898.

PENNEFATHER, Alfred Richard (1845-1918)

s o QC and Judge. (?b. Dublin). Educated at (un-named) private school. Recruited 1868 to new HO post as clerk in charge of accounts. Sent to Scotland to inquire into operation of Artizans' Dwellings Improvement Schemes. Negotiated with local authorities over local prisons' nationalization 1878 and served 1879 on committee on pay of prison officers in England and Scotland. On Treasury recommendation was made auditor of Royal Patriotic Fund and of Metropolitan Board of Works 1882. Receiver 1883 vice Drummond (see above). CB 1896; knighted and retired 1909. Active evangelical Anglican layman: Member of House of Laymen, Canterbury Province, and of Church of England Central Board of Finance. JP, Essex, and member of Essex Police Joint Standing Committee. [Brother (b Dublin 1848) Vicar of Kensington 1897 till d 1917.]

PHILLIPPS, Samuel March (1780-1862)

Born Uttoxeter, s o landowner. Educated Charterhouse and Sidney Sussex, Cambridge - 8th Wrangler 1802. Called to Bar 1806 and though did not practise wrote *Law of Evidence*, 1814, a standard work in both England and the US - last editions 1838 and 1868 respectively. Edited State Trials 1826. Married sister of politician Charles Grant, later Lord Glenelg. PUS HO 1827. Retired 1848 when made Privy Counsellor.

REDGRAVE, Samuel (1802-1876)

Entered HO as Supplementary Clerk 1818. Assistant Keeper Criminal Register 1828. Secretary to Constabulary Force Commission 1836. APS Home Secretary, and PS to Parly USofSs, Fox Maule, 1839-41 and Fitzroy, 1852-5. Keeper of Criminal Register from 1841; and wrote forewords to annual statistical publications. Prepared First Edition (1852) of *Some Account of*

the Powers, Authorities and Duties of HM Principal Secretary of State for the Home Department, and this led him to prepare *Murray's Official Handbook of Church and State*. Principal official below PUS engaged on police matters, and took charge of new Police and Statistical Dept 1856. Retired 1860. Active in art circles: arranged important exhibitions (eg watercolour gallery at 1862 Exhibition); collaborated with brother Richard (RA 1841; Surveyor of Crown Pictures 1857-80) on *A Century of Artists of the English School*; and published other works 1874 and (posthumously) 1877.

REEVES, Charles (1815-????)

Born Hampshire. Architect in partnership with HA Voysey 1847-52, and LG Butcher 1853-66. Architect and Surveyor to Metropolitan Police from 1843, designing 44 police stations and attending to dangerous structures and common lodging houses. As architect to County Courts from 1847, designed 64 County Courts. Most of works in Italian style. Medals in connexion with the 1851 and 1862 Exhibitions.

RIDLEY, Matthew White (1842-1904)

5th Bart and 1st Visct, e.s. of 4th Bart. Educated Harrow, Balliol, Oxford. Frlow of All Souls. Succeeded father in orth Northumberland constituency 1868. Parly Under Secretary Home Office 1878. Lost seat in 1886 but elected for Blackpool in 1886 where stayed until ennoblement 1904. Home Secretary 1895-1900. [Related to Bradford – see above.]

RITCHIE. Charles Thomson (1838-1906)

2nd s.o. of E India merchant, jute spinners in Dundee. Educated City of London School whence to familt business. MP for Tower Hamlets 1874; St George's in the East from 1885. Financial Secretary Admiralty 1885-6; presdt Local Govt Board 1886 where successful with Local Govt Act 1888. Out of Parlt 1892-5. Presdt Board of Trade 1895-1900; and Home Secretary 1900-02. Chancellor of the Exchequer from 1902.

ROWAN, Charles (c1782-1852)

Born Antrim. Ensign, 1797, in 52nd Foot (in which unde and 2 Bros also served, one of whom, William, 1789-1879, became a Field Marshall); Lt 1799; Capt 1803; Major 1811; Brevet Lt Col 1812. Served Sicily 1806-7, Sweden 1808, and through much of Peninsular campaign (including as AAG, Light Brigade). Present notably at Busaco, Badajoz (wounded in assault), Salamanca, and commanded a wing of the 52nd at Waterloo (where again wounded). Left Army early 1820's and apparently served as a police magistrate in Ireland. With Mayne (see above) one of two first Commissioners of Metropolitan Police in 1829. Referred to as "Resident" and "Military" Commissioner and generally regarded as the senior. Retired 1850 after a long period of bad health. CB 1815; KCB 1848. Died 1852. "To his skilful guidance were mainly owing the speedy removal of the initial prejudices against the new police and the lasting success of the measure."(DNB)

RUGGLES-BRISE, Evelyn (1857-1935)

Yger s.o. Sir Samnuel Ruggles-Brise, Bt, and MP, Finchingfield, Essex. Educ Eton and Balliol, Oxford. (2nd Mods, 1877, 1st Lit Hum, 1880). Entered Home Office by open competition and through father's acquaintance with Home Secretary (Harcourt). Private Secretary to successive Home Secretaries 1886-1892 when appointed a Prison Commissioner. Chairman of Commissioners 1895-1921.

SAMUEL Herbert (1870-1963)

b. Liverpool, s.o. merchant banker. Educ University College School, Balliol College, Oxford. Unsuccessful parliamentary candidate 1895 and 1900. MP for Cleveland 1902. Parly USofS Home Office 1905-9. Chancellor of Duchy of Lancaster 1909; Postmaster General 1910; President Local Government Board 1914; Postmaster General 1915; Home Secretary 1916 but

did not join Lloyd George's cabinet later that year. Defeated in "coupon" election 1918. 1st High Commissioner Palestine 1920-25. Coal Commission 1926. MP Darwen 1929. Home Secretary 1931-32. Lost seat 1935. Created peer 1937.

SHORTT, Edward (1862-1935)

2nd s.o. Anglican cleric. Educ Durham School and Durham University. Barrister 1890 and QC 1910. Recorder of Sunderland 1907-18. MP West Newcastle 1910-22. Chief Secretary Ireland 1918-19. Home Secretary 1919-22 – dealing with both police strikes. President British Board of Film Censors 1929-35.

SIMON, John Allsebrook (1873-1954)

s.o. Congregational Minister. Educ Fettes, Wadham College, Oxford. Presdt of Oxford Union. 1896. Fellow of All Souls. Barrister 1899. MP Walthamstow 1906-18, Spen Valley 1922-40. Solicitor General 1910-13; Attorney General 1913-15; Home Secretary 1915-16; Foreign Secretary 1931-35; Home Secretary and Leader of the Commons 1935-37; Chancellor of the Exchequer 1937-40; Lord Chancellor 1940-45. Created Viscount 1940.

STUART, James (1843-1913)

Born Fife, eldest s.o. nine children of mill owner of Writtle stock. Educ Madras College and St Andrew's University. Trinity College, Cambridge 1862. 3rd Wrangler 1866 and Fellow. Involved 1867-75 with setting up University Extension lectures (during which period he met Josephine Butler and joined campaign against the Contagious Diseases Acts), the early development of Girton and Newnham women's colleges, and instituting the Mechanical Sciences Tripos. First Professor of Mechanics at Cambridge 1875-90. MP Hackney 1884, Hoxton 1885-1900, Sunderland 1906-10. Edited *Star and Morning Leader* 1890-98. Alderman LCC 1889-98, then councillor for Hackney. Member Royal Commissions on Aged Poor, and Local Taxation. PC 1909 but never given office. From 1898 took on management of Colman's Norwich on death of father-in-law. Rector of St Andrew's 1898-1901.

STUART-WORTLEY, Charles Beilby (1851-1926)

s.o. QC and himself grandson of 1st Baron Wharndcliffe. Educ Rugby and Balliol College, Oxford. Barrister 1876. Practised N.E. Circuit 1876-85. QC 1892. MP for Sheffield constituencies 1880-1916. Parly Under Secretary Home Office, 1885, and 1886-92. Ecclesiastical and Church Estates Commissioner 1895. Created 1st Baron Stuart Wortley 1916.

THOMSON, Basil (1861-1939)

3rd s.o. Archbishop of York. Educated Eton, New College, Oxford, - though did not graduate. After an episode as an agricultural apprentice in Iowa, joined Colonial Service in Fiji and spent some years in sundry Pacific Dependencies, acting at one time as Prime Minister of Tonga. Returned UK 1894; guardian/tutor of Crown Prince of Siam and brother; barrister 1896; entered Prison Service 1896, governing Northampton, Cardiff, Dartmoor and Wormwood Scrubs (the last two both after mutinies); Secretary to Prison Commission 1906; solicited and obtained post of Assistant Commissioner (Crime) on Macnaghten's retirement 1913. Was effectively required to resign by Prime Minister 1921 when it was decided to support Commissioner Horwood's view that the new 1919 post of Director of Intelligence filled by Thomson should be ended and the functions revert to the Commissioner. Horwood pursued possibility of prosecuting Thomson for subsequent articles/book allegedly in breach of Official Secrets Acts, but Home Secretary (Shortt) declined to act. Thomson (who separated from his wife in 1922) was later convicted 1925 of (consensual) indecency act with young woman in Hyde Park.

THRING, Henry (1818-1907)

Educ Shrewsbury and Magdalene College, Cambridge. Barrister 1845. Home Office Counsel 1860. Member Departmental Committee on Metropolitan Police 1868. Head of Office of

Parliamentary Counsel established 1869. Retired and made peer 1886.

TRIPP, (Herbert) Alker (1883-1954)

s.o. GH Tripp below. Joined civil staff NSY 1902. Chairman Police Recruiting Board 1920-5; member Steering Committee on Aliens and Nationality 1925-9, and of Advisory Committee on Homeless Poor of London. Assistant Commissioner "B" 1932-1947 when specialized in traffic issues. Keen sailor and 4 of his cruising books remain in print.

TRIPP, George Henry (1860-1922)

Educated Mercers' School. Joined Home Office as Second Divn Clerk 1878. Assistant Clerk in charge of Accounts 1884, and Chief Clerk 1887. Rank and precedence of Senior Clerk 1904. Auditor Royal Patriotic Fund 1893-8. Secretary to Committee on Metropolitan Police Superannuation 1889; member Committees on Prison Clerks' petitions 1902, Metropolitan Police Housing 1903, Education Rates 1905, and Metropolitan Police Finance 1909. Receiver 1910 vice Pennefather (see above) and retired 1918. CB 1913.

TROUP, (Charles) Edward (1857-1941)

s o clergyman, b Huntly, Aberdeenshire. Educ Aberdeen University; Balliol, Oxford. Joined Home Office as first open competition First Division recruit 1880. Barrister, Middle Temple, 1888. Chairman Committee on Identification of Criminals 1893. Editor *Judicial Statistics* 1894-1902. Assistant Under Secretary 1903-8. Permanent Under Secretary 1908-22. KCB 1909. KCVO 1918. Treasurer and Fellow Kings College, London, 1922-1939.

VINCENT, Charles Edward Howard (1849-1908)

s o Anglican cleric. Educated Westminster (briefly), privately, and RMC, Sandhurst. Commissioned Royal Welch Fusiliers 1868-73. Commenced long connexion with Volunteer movement in 1875. (Commanded Queen's Westminsters 1884-1904). Barrister 1876 and qualified at Paris Faculté de Droit 1877. Travelled a good deal in Europe as a young man, including to Prussia, Poland, Russia and Turkey. In 1877 went out to Russo-Turkish War and wrote a well publicised article on Russian war preparations. In 1878 successfully solicited new post of Director of Criminal Investigations set up in wake of 1877 Detective scandal. Published *Police Code and Manual of the Criminal Law*, 1881, which remained - in subsequent editions for whose preparation after Vincent's death NSY assumed responsibility - in print until 1928. (The profits went to the Metropolitan and City Police Orphanage.) Resigned 1884 shortly after marriage to a co-heiress. Conservative MP for Central Sheffield from 1885 and active in Party organisation. Member LCC 1889-96. Vociferous Imperialist; enthusiastic for Imperial preference and "fair trade"; continued to travel abroad a great deal (including to S Africa during the Boer War); strongly associated with xenophobic (and anti-semitic) Parliamentary pressure for immigration control; associated also with Public Trustee and Probation of First Offenders legislation. Retained close interest in police affairs; founded Police Pensioners' Society; Chairman Committee on RIC and Dublin Police 1901. Knight 1896; KCMG 1899.

WADDINGTON, Horatio (1799-1867)

s o Anglican cleric. Educ Charterhouse and Trinity College, Cambridge. BA, 18th Wrangler, 1820. Barrister 1825. Recorder Lichfield and Warwick 1838-48. PUS HO 1848. Member Cambridge University Commission 1856, and Common Law Commission 1857. Made PC at retirement 1867. Died 3.10.1867.

WALPOLE, Spencer Horatio (1806-1898)

Educ Eton and Trinity College, Cambridge. Barrister 1831. QC 1846. Practised in Rolls court until 1852. MP Midhurst 1846-56, and Cambridge University 1856-82. Home Secretary 1852, 1858-9 and 1866-7.

WALPOLE, Spencer (1839-1907)

s.o. S.H. Walpole. Educ Eton. Did not proceed to university when father left Bar for politics. Clerk War Office 1858. Private Secretary to father at Home Office 1858-9, to Sotheran-Estcourt his father's successor in 1859, and again to his father 1866-7. Inspector Fisheries from 1867. Lieutenant Governor Isle of Man 1882-1893. Secretary General Post Office 1893-9. Wrote two substantial political histories covering the period 1815-1880. Pleasant, competent, he owed all his offices to Liberal patronage.

WARREN, Charles (1840-1927)

s.o. Major-General. Educ Cheltenham, Sandhurst and Woolwich. Commissioned Royal Engineers 1857. Gibraltar survey 1859-67. Palestine survey and archaeological excavations 1867-70. Home appointments. Settled Griqualand/Orange F.S. boundary 1876-7. Severely wounded Kaffir War 1877-8. Expedition in Egypt to discover fate of Prof Palmer 1882. Military expedition to Bechuanaland where all objectives achieved without loss of blood 1884. GCMG. Stands unsuccessfully for election as MP in Sheffield 1885. Head of Suakin garrison, Red sea, 1886. Commissioner of Metropolitan police 1886-88. Commander, Singapore, 1889-1894. Divisional commander S African War. Settled Bechuanaland rebellion 1900. General 1904. Colonel Commandant Royal Engineers 1904. Keen early supporter of Scouting. Enthusiastic freemason.

WILLIAMSON, Adolphus ("Dolly") (1831-1889)

Born Hammersmith, s o David Williamson late Sergeant Major RA and first Superintendent "T" (Hammersmith) Division, 1829. Clerk, Ordnance Office, 1848; Constable 1850; Sgt Detective Dept 1852; Superintendent 1869; Chief Superintendent CID 1877-1886; Chief Constable, CID, 1886 until death.

WODEHOUSE, Frederick (1851-1934)

Educ privately; RMA, Woolwich. RA 1870-90, Major (Afghan War 1878-80). Assistant Commissioner, City Police, 1890-1902, and of Metropolitan Police 1902-18. KCVO 1911, KCB 1917.

WRAY, John (1782-1869)

Born Collingham, Yorks, s o Colonel Wray, Chairman of Waterloo Fund. Educated Trinity College, Cambridge, graduating 1804. Barrister 1823. First Receiver of Metropolitan Police 1829-1860, and from 1839 Receiver also of Metropolitan Magistrates' Courts. Active in business and commercial life, continuing a bar practice (which included the promotion of Private Bills) but - not mentioned at all in the Times notice of his death (19.2.1869) - principally as founder, Chairman and "Resident" (ie Managing) Director of the University Life Assurance Society from 1825 until his retirement in 1866 when succeeded by his son.

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